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LEGISLATIVE HISTORY

Public Law 87-367
H. R. 7377

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INDEX AND SUMMARY OF H. R. 7377

Apr. 27, 1961	Sen. Johnston introduced S. 1732 which was referred to the Senate Post Office and Civil Service Committee. Print of bill as introduced.
May 29, 1961	Rep. Murray introduced H. R. 7377 which was referred to the House Post Office and Civil Service Committee. Print of bill as introduced.
Aug. 30, 1961	Senate committee delayed consideration of S. 1732.
Sept. 6, 1961	Senate committee voted to report (but did not actually report) S. 1732 with amendments.
Sept. 7, 1961	House committee voted to report (but did not actually report) H. R. 7377 with amendments.
Sept. 12, 1961	House committee reported H. R. 7377 with amendments. H. Report No. 1170. Print of bill and report.
	Senate committee reported S. 1732 with amendments. S. Report No. 977. Print of bill and report.
Sept. 18, 1961	House passed H. R. 7377 under suspension of the rules.
Sept. 19, 1961	Senate began consideration of S. 1732.
	H. R. 7377 was placed on the Senate calendar. Print of bill as placed on calendar.
Sept. 20, 1961	Senate passed S. 1732 with amendments; subsequently postponed this action and passed H. R. 7377, substituting the language of S. 1732.
	Senate conferees were appointed.
Sept. 22, 1961	House conferees were appointed. House received conference report. H. Report No. 1261. Print of report.
Sept. 23, 1961	Both Houses agreed to the conference report.
Oct. 4, 1961	Approved: Public Law 87-367.

87TH CONGRESS
1ST SESSION

S. 1732

IN THE SENATE OF THE UNITED STATES

APRIL 27, 1961

Mr. JOHNSTON (by request) introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—AMENDMENTS TO THE CLASSIFICA-
4 TION ACT AND RELATED LAWS

5 SEC. 101. (a) Section 505 of the Classification Act of
6 1949, as amended (5 U.S.C. 1105), is further amended as
7 follows:

1 (1) Subsection (b) is amended by inserting “two
2 thousand and ninety-six” in place of “fourteen hundred
3 and nine” and by changing the comma after the words
4 “at any one time” to a semicolon, and by striking out
5 the remaining words in the sentence and inserting in
6 lieu thereof “except that one hundred of such positions
7 shall be classified by the Commission only upon the
8 determination of initial need for such positions by the
9 President.”;

10 (2) Subsections (f) relating to the National
11 Security Council, (k), and (l) are repealed; and

12 (3) In subsection (j) insert “four hundred twenty-
13 two” in place of “three hundred seventy-two”.

14 (b) The following laws or parts of laws are hereby
15 repealed:

16 (1) Section 202 (b) of the Federal Aviation Act
17 of 1958 (72 Stat. 742; 49 U.S.C. 1322 (b)) ;

18 (2) Section 302 (j) of the Federal Aviation Act
19 of 1958 (72 Stat. 747; 49 U.S.C. 1343 (h)) ;

20 (3) The last sentence of section 5 (a) of the Small
21 Business Act (72 Stat. 385; 15 U.S.C. 634 (a)) ;

22 (4) Section 205 (a) (11) of the National Capital
23 Transportation Act of 1960 (74 Stat. 543; Public Law
24 86-669) ;

25 (5) The proviso in the paragraph under the head-

ing "FEDERAL POWER COMMISSION" and the subheading "SALARIES AND EXPENSES" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626) ;

(6) The proviso in the paragraph under the heading "CIVIL AERONAUTICS BOARD" and under the subheading "SALARIES AND EXPENSES" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note) ;

(7) The fourth sentence of section 10 (b) 4 of the Railroad Act of 1937 (72 Stat. 1781; 45 U.S.C. 228j (b) 4) ;

(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note), which reads as follows: "and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended";

(9) The last paragraph under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress) ;

(10) That part of the second sentence of section 3

1 of Reorganization Plan Numbered 1 of 1958, effective
2 July 1, 1958 (23 Federal Register 4991), which reads
3 as follows: "except that the compensation may be fixed
4 without regard to the numerical limitations on positions
5 set forth in section 505 of the Classification Act of 1949,
6 as amended (5 U.S.C. 1105).";

7 (11) The paragraph under the heading "COM-
8 MODITY CREDIT CORPORATION" in chapter I of the
9 Supplemental Appropriation Act, 1956 (69 Stat. 451;
10 15 U.S.C. 714h, note) ;

11 (12) Section 302 of the Act of July 31, 1956 (70
12 Stat. 743; 5 U.S.C. 517c) ;

13 (13) That part of the first sentence of section 205
14 of the Public Works Appropriation Act, 1958 (71 Stat.
15 423; Public Law 85-167), which reads as follows: "the
16 position of Administrator of the Southeastern Power Ad-
17 ministration shall be in grade GS-18 of the Classification
18 Act of 1949, as amended, but without regard to the nu-
19 merical limitation contained in section 505 of said Act;";
20 and

21 (14) That part of the sixth sentence of section 3 (a)
22 of the Fish and Wildlife Act of 1956 (70 Stat. 1120;
23 16 U.S.C. 742b (a)) which reads as follows: "at Grades
24 GS-17 each".

25 (c) Positions in grades 16, 17, or 18, as the case may be,

1 of the General Schedule of the Classification Act of 1949, as
2 amended, immediately prior to the effective date of this sec-
3 tion, shall remain, on and after such effective date, in their
4 respective grades, until other action is taken under the pro-
5 visions of section 505 of the Classification Act of 1949 as in
6 effect on and after such effective date.

7 SEC. 102. Section 2 of the Act of May 29, 1959 (73
8 Stat. 63; Public Law 86-36), is amended by inserting
9 “seventy” in place of “fifty”.

10 SEC. 103. (a) The first section of the Act of August 1,
11 1947, as amended (Public Law 313, Eightieth Congress;
12 5 U.S.C. 1161), is further amended as follows:

13 (1) In subsection (d), by inserting “ten” in place
14 of “five”;

15 (2) In subsection (e), by inserting “twenty” in
16 place of “fifteen”;

17 (3) In subsection (f), by inserting “fifteen” in
18 place of “ten”; and

19 (4) In subsection (g), by inserting “thirty” in
20 place of “twenty-five”.

21 (5) Such section is further amended by adding at
22 the end thereof the following new subsection:

23 “(i) The Postmaster General is authorized to establish
24 and fix the compensation for not more than three scientific
25 or professional positions in the Post Office Department, each

1 such position being established to effectuate those research
2 and development functions of such Department which require
3 the services of specially qualified personnel.”

4 (b) Section 3 of such Act is amended by inserting after
5 “Secretary of Health, Education, and Welfare” a comma
6 and the following: “the Postmaster General,” and by insert-
7 ing after “Department of Health, Education, and Welfare”
8 a comma and the following: “the Post Office Department,”.

9 SEC. 104. (a) Section 1581 (a) of title 10 of the United
10 States Code is amended by inserting “five hundred sixty-
11 five” in place of “four hundred fifty”.

12 (b) Section 4 of the Act of May 29, 1959 (73 Stat.
13 63; Public Law 86-36), is amended by inserting “sixty”
14 in place of “fifty”.

15 (c) Section 302 (h) of the Federal Aviation Act of
16 1958 (72 Stat. 746; 49 U.S.C. 1343 (f)) is amended by
17 inserting “twenty” in place of “fifteen”.

18 (d) Section 203 (b) (2) of the National Aeronautics
19 and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473 (b)
20 (2)) is amended by inserting “three hundred and forty”
21 in place of “two hundred and ninety”.

22 SEC. 105. (a) The second sentence of section 205 (b)
23 of the Mutual Security Act of 1954, as amended (22 U.S.C.
24 1875 (b)), is further amended by inserting a period after

1 the words "by the Board" and striking out the remainder of
2 the sentence.

3 (b) Section 107 (a) of the Federal Executive Pay Act
4 of 1956, as amended (5 U.S.C. 2206 (a)), is further
5 amended by striking out:

6 " (2) Administrator, Bonneville Power Administra-
7 tion.

8 " (3) Administrator, Farmers' Home Administra-
9 tion.

10 " (4) Administrator, Soil Conservation Service, De-
11 partment of Agriculture.

12 " (9) Chief Forester of the Forest Service, De-
13 partment of Agriculture.

14 " (11) Commissioner of Customs.

15 " (12) Commissioner, Federal Supply Service,
16 General Services Administration.

17 " (14) Commissioner of Narcotics.

18 " (15) Commissioner, Public Buildings Service.

19 " (16) Commissioner of Public Roads.

20 " (17) Commissioner of Reclamation.

21 " (22) Manager, Federal Crop Insurance Corpora-
22 tion, Department of Agriculture.

23 " (23) Director of Coal Research, Department of
24 the Interior."

1 (c) Section 107 (b) of the Federal Executive Pay Act
2 of 1956, as amended (5 U.S.C. 2206 (b)), is further
3 amended by striking out

4 “(2) Treasurer of the United States.”

5 (d) Section 303 (a) of title 23 of the United States
6 Code is amended by striking out the last sentence thereof
7 relating to the rate of compensation of the Commissioner
8 of Public Roads.

9 (e) The first sentence of section 5 (d) of the Farm
10 Credit Act of 1953, as amended (12 U.S.C. 636d (d)), is
11 further amended by striking out the proviso relating to the
12 rate of compensation of three positions of deputy governor.

13 (f) Section 4201 of title 18 of the United States Code
14 is amended by striking out the second sentence thereof re-
15 lating to the rate of compensation of members of the Board
16 of Parole.

17 SEC. 106. (a) Section 106 (c) of the Federal Execu-
18 tive Pay Act of 1956, as amended (5 U.S.C. 2205 (c)),
19 is hereby repealed.

20 (b) Section 107 (a) of the Federal Executive Pay Act
21 of 1956, as amended (5 U.S.C. 2206 (a)), is further
22 amended as follows:

23 (1) By inserting “\$18,500” in place of “\$17,500”;

24 and

(2) By adding at the end of such section the following paragraph:

“(24) Commissioner of the Indian Claims Commission (3).”

(c) Section 107 (b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206 (b)), is further amended by inserting “\$18,000” in place of “\$17,000”.

(d) Section 105 of title 3 of the United States Code is amended by inserting “\$18,500” in place of “\$17,500”.

SEC. 107. (a) Positions that are covered by subsections (a) through (f) of section 105 shall be placed in grades of the general schedule in accordance with the provisions of the Classification Act of 1949, as amended. Incumbents of these positions shall continue to receive the rate of basic compensation that they were receiving immediately prior to the effective date of this section so long as they remain in the same positions or until a higher rate of basic compensation is authorized by law. When an incumbent leaves one of these positions, a subsequent appointee shall receive compensation as provided by the Classification Act of 1949, as amended.

(b) Nothing in this Act is intended to increase or decrease the rate of annual compensation received immediately prior to the effective date of this Act by (1) the Deputy

1 Director of the Administrative Office of the United States
2 Courts, and (2) the Chief of Staff of the Joint Committee on
3 Internal Revenue Taxation.

4 SEC. 108. Sections 101, 102, 103, and 104 of this title
5 are effective on the date of enactment of this Act; sections
6 105, 106, and 107 are effective on the first day of the first
7 pay period which begins sixty days after the date of enact-
8 ment.

9 TITLE II—AMENDMENTS TO THE ADMINISTRA-
10 TIVE PROCEDURE ACT

11 SEC. 201. Section 11 of the Administrative Procedure
12 Act (5 U.S.C. 1010) is amended to read as follows:

13 “SEC. 11. (a) Subject to the civil service and other laws
14 to the extent not inconsistent with this Act, there shall be
15 appointed by and for each agency as many qualified and
16 competent examiners as may be necessary for proceedings
17 pursuant to sections 7 and 8. Examiners shall be assigned
18 to cases in rotation so far as practicable and shall perform no
19 duties inconsistent with their duties and responsibilities as
20 examiners. Agencies occasionally or temporarily insuf-
21 ficiently staffed may utilize examiners selected by the Com-
22 mission from and with the consent of other agencies.

23 “(b) Examiners shall be removable by the agency in
24 which they are employed only for good cause established and
25 determined by the Civil Service Commission (hereinafter

1 called the Commission) after opportunity for hearing and
2 upon the record thereof.

3 “(c) The provisions of the Performance Rating Act of
4 1950, as amended (5 U.S.C. 2001ff), and the provisions
5 of sections 507 (a) (5), 701 (a) (B), and 703 (b) (2) of
6 the Classification Act of 1949, as amended (5 U.S.C. 1107
7 (a) (5), 1121 (a) (B), and 1123 (b) (2)), shall not be
8 applicable to examiners.

9 “(d) Examiners employed by the Department of Agri-
10 culture, Department of Labor, Federal Maritime Board
11 (Department of Commerce), Atomic Energy Commission,
12 Federal Communications Commission, Federal Power Com-
13 mission, Federal Trade Commission, Civil Aeronautics
14 Board, Interstate Commerce Commission, National Labor
15 Relations Board, Securities and Exchange Commission, Sub-
16 versive Activities Control Board, Post Office Department,
17 the Office of Alien Property (Department of Justice), and
18 the Federal Reserve System shall receive compensation at
19 a rate equivalent to that prescribed for grade GS-16 by the
20 Classification Act of 1949, now or as hereafter amended.
21 All other examiners shall receive compensation at a rate
22 equivalent to that prescribed for grade GS-14 by the Clas-
23 sification Act of 1949, now or as hereafter amended. Agen-
24 cies having ten or more examiners may designate one exam-
25 iner as the chief examiner to have the administrative man-

1 agement responsibility for the hearings program of the agen-
2 cy. The examiner so designated to exercise this responsi-
3 bility shall receive \$500 per annum in addition to his com-
4 pensation as an examiner.

5 “(e) For the purposes of this section the Commission
6 is authorized to make investigations, require reports by agen-
7 cies, issue reports, including an annual report to the Con-
8 gress, promulgate rules, appoint such advisory committees
9 as may be deemed necessary, recommend legislation, sub-
10 pena witnesses or records, and pay witness fees as estab-
11 lished for the United States courts.”

12 SEC. 202. Hearing examiners receiving a rate of com-
13 pensation immediately prior to the effective date of this
14 Act in excess of the new rate of the level as determined
15 under section 201 of this Act may continue to receive such
16 rate so long as they remain in the same position, but when
17 any such position becomes vacant, the rate of compensation
18 of any subsequent appointee shall be fixed in accordance
19 with this Act.

20 SEC. 203. This title shall take effect at the beginning
21 of the first day of the first pay period which begins sixty
22 days after the date of enactment.

A BILL

To increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

By Mr. JOHNSTON

APRIL 27, 1961

Read twice and referred to the Committee on Post
Office and Civil Service

87TH CONGRESS
1ST SESSION

H. R. 7377

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 1961

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—POSITIONS IN TOP GRADES OF CLASSI-
4 FICATION ACT OF 1949

5 INCREASE IN NUMBER OF AUTHORIZED TOP GRADE POSI-
6 TIONS UNDER CLASSIFICATION ACT OF 1949

7 SEC. 101. (a) Subsection (b) of section 505 of the
8 Classification Act of 1949, as amended (5 U.S.C. 1105

(b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

“(b) Subject to subsections (c), (d), (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed two thousand and ninety-six) which may be in grades 16, 17, and 18 of the General Schedule at any one time; except that of such positions one hundred shall be so classified initially only if and to the extent that the President determines that a need for such positions exists.”.

(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105 (j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, is amended by striking out “three hundred seventy-two positions” and inserting in lieu thereof “four hundred twenty-two positions”.

CONFIRMING CHANGES IN EXISTING LAW

SEC. 102. The following provisions of law are hereby repealed:

(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (f), (k), and (l)), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17,

1 and 18 of the General Schedule of such Act for the National
2 Security Council, the Department of the Treasury, and the
3 Interstate Commerce Commission, respectively.

4 (2) Sections 202 (b) and 302 (j) of the Federal Avi-
5 ation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C.
6 1322 (b) and 1343 (h)), authorizing eight positions and
7 seventy positions in grades 16, 17, and 18 of the General
8 Schedule of the Classification Act of 1949 for the Civil Aero-
9 nautics Board and the Federal Aviation Agency, respec-
10 tively.

11 (3) The last sentence of section 5 (a) of the Small Bus-
12 iness Act (72 Stat. 385; 15 U.S.C. 634 (a)), authorizing
13 fifteen positions in grades 16, 17, and 18 of such General
14 Schedule for the Small Business Administration.

15 (4) Section 205 (a) (11) of the National Capital Trans-
16 portation Act of 1960 (74 Stat. 543; Public Law 86-669),
17 authorizing five positions in grades 16, 17, and 18 of such
18 General Schedule for the National Capital Transportation
19 Agency.

20 (5) The proviso in the paragraph under the heading
21 "FEDERAL POWER COMMISSION" and under the subheading
22 "SALARIES AND EXPENSES" in title I of the Independent
23 Offices Appropriation Act, 1961 (74 Stat. 429; Public Law
24 86-626), authorizing six positions in grades 16, 17, and 18
25 of such General Schedule for the Federal Power Commission.

1 (6) The proviso in the paragraph under the heading
2 “CIVIL AERONAUTICS BOARD” and under the subheading
3 “SALARIES AND EXPENSES” in title III of the Department
4 of Commerce and Related Agencies Appropriation Act,
5 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing
6 ten positions in such grades 16, 17, and 18 for the Civil
7 Aeronautics Board.

8 (7) The fourth sentence of section 10 (b) (4) of the
9 Railroad Retirement Act of 1937 (72 Stat. 1781; 45 U.S.C.
10 228j (b) (4)), authorizing nine positions in such grades 16,
11 17, and 18 for the Railroad Retirement Board.

12 (8) That part of the first sentence of section 601 of the
13 Supplemental Defense Appropriation Act, 1958 (72 Stat.
14 8; 10 U.S.C. 1581, note), authorizing the Secretary of De-
15 fense to place ten positions in such grades 16, 17, and 18,
16 which reads as follows: “, and to place ten positions in
17 grades 16, 17, or 18 of the General Schedule, in accordance
18 with the procedures prescribed in the Classification Act of
19 1949, as amended”.

20 (9) The last paragraph under the heading “GENERAL
21 SERVICES ADMINISTRATION” in title I of the Independent
22 Offices Appropriation Act, 1957 (70 Stat. 345; Public Law
23 623, Eighty-fourth Congress), authorizing ten positions in
24 grade 16 of the General Schedule of the Classification Act of
25 1949 for the General Services Administration.

1 (10) That part of the second sentence of section 3 of
2 Reorganization Plan Numbered 1 of 1958, effective July 1,
3 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not
4 to exceed ten positions of regional director of the regional
5 offices of the Office of Civil and Defense Mobiliza-
6 tion to receive compensation under the Classification Act
7 of 1949 without regard to the numerical limitations on posi-
8 tions in section 505 of such Act, which reads as follows:
9 "except that the compensation may be fixed without regard
10 to the numerical limitations on positions set forth in section
11 505 of the Classification Act of 1949, as amended (5 U.S.C.
12 1105)".

13 (11) The paragraph under the heading "COMMODITY
14 CREDIT CORPORATION" in chapter I of the Supplemental Ap-
15 propriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h,
16 note), authorizing the position of sales manager in the Com-
17 modity Credit Corporation to be placed in grade 17 of the
18 General Schedule of the Classification Act of 1949.

19 (12) Section 302 of the Act of July 31, 1956 (70 Stat.
20 743; 5 U.S.C. 517c), authorizing three positions of Deputy
21 Administrator of the Agricultural Research Service, Depart-
22 ment of Agriculture, to be placed in grade 18 of such Gen-
23 eral Schedule.

24 (13) That part of the first paragraph of section 205 of
25 the Public Works Appropriation Act, 1958 (71 Stat. 423;

1 Public Law 85-167), which reads as follows: "the position
2 of Administrator of the Southeastern Power Administration
3 shall be in grade GS-18 of the Classification Act of 1949, as
4 amended, but without regard to the numerical limitation con-
5 tained in section 505 of said Act;"

6 (14) That part of the sixth sentence of section 3 (a)
7 of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16
8 U.S.C. 742b (a)), authorizing the position of Director of the
9 Bureau of Commercial Fisheries, and of Director of the
10 Bureau of Sport Fisheries and Wildlife, United States Fish
11 and Wildlife Service, Department of the Interior, to be
12 placed in grade 17 of the General Schedule of the Classifica-
13 tion Act of 1949, which reads: "at Grades GS-17 each".

14 (15) The second proviso in the paragraph under the
15 heading "CIVIL AERONAUTICS ADMINISTRATION" and un-
16 der the subheading "OPERATION AND REGULATION" in title
17 I of the Department of Commerce and Related Agencies
18 Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343,
19 note), authorizing ten positions in grades 16, 17, and 18 of
20 the General Schedule of the Classification Act of 1949.

21 SAVINGS PROVISIONS

22 SEC. 103. (a) The changes in existing law made by
23 sections 101 and 102 of this title shall not affect any posi-
24 tion existing immediately prior to the effective date of such
25 changes in existing law, the compensation attached to such

1 position, and any incumbent thereof, his appointment there-
 2 to, and his entitlement to receive the compensation attached
 3 thereto, until appropriate action is taken in accordance with
 4 this title.

5 (b) Positions in grades 16, 17, or 18, as the case may
 6 be, of the General Schedule of the Classification Act of
 7 1949, as amended, immediately prior to the effective date
 8 of this section, shall remain, on and after such effective date,
 9 in their respective grades, until appropriate action is taken
 10 under section 505 of the Classification Act of 1949 as in
 11 effect on and after such effective date.

12 TITLE II—SCIENTIFIC AND PROFESSIONAL
 13 POSITIONS AND POSITIONS OF A SECURITY
 14 NATURE

15 INCREASE IN NUMBER OF POSITIONS OF A SECURITY NA-
 16 TURE IN THE NATIONAL SECURITY AGENCY UNDER THE
 17 ACT OF MAY 29, 1959

18 SEC. 201. Section 2 of the Act of May 29, 1959 (73
 19 Stat. 63; Public Law 86-36), authorizing the Secretary of
 20 Defense to establish positions in the National Security
 21 Agency, is amended by striking out "Not more than fifty
 22 such officers and employees shall be paid basic compensation
 23 at rates equal to rates of basic compensation contained in
 24 grades 16, 17, and 18 of such General Schedule." and in-
 25 serting in lieu thereof the following: "Not more than seventy

1 such officers and employees shall be paid basic compensation
2 at rates equal to rates of basic compensation contained in
3 grades 16, 17, and 18 of such General Schedule.”.

4 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
5 POSITIONS UNDER THE ACT OF AUGUST 1, 1947 (PUB-
6 LIC LAW 313, EIGHTIETH CONGRESS)

7 SEC. 202. (a) The Act of August 1, 1947 (Public
8 Law 313, Eightieth Congress), as amended (5 U.S.C.
9 1161-1163), is amended to read as follows:

10 “That (a) the Secretary of the Interior is authorized to
11 establish and fix the compensation for not more than ten
12 scientific or professional positions in the Department of the
13 Interior, each such position being established to effectuate
14 those research and development functions of such depart-
15 ment which require the services of specially qualified
16 personnel.

17 “(b) The Secretary of Agriculture is authorized to
18 establish and fix the compensation for not more than twenty
19 scientific or professional positions in the Department of
20 Agriculture, each such position being established to effectuate
21 those research and development functions of such depart-
22 ment which require the services of specially qualified
23 personnel.

24 “(c) The Secretary of Health, Education, and Welfare
25 is authorized to establish and fix the compensation for not

1 more than fifteen scientific or professional positions in the
2 Department of Health, Education, and Welfare, each such
3 position being established to effectuate those research and
4 development functions of such department which require the
5 services of specially qualified personnel.

6 “(d) The Secretary of Commerce is authorized to estab-
7 lish and fix the compensation for not more than thirty
8 scientific or professional positions in the Department of
9 Commerce, of which not less than five shall be for the
10 United States Patent Office in its examining and related
11 activities, each such position being established to effectuate
12 those research and development functions of such depart-
13 ment which require the services of specially qualified per-
14 sonnel.

15 “(e) The Postmaster General is authorized to establish
16 and fix the compensation for not more than three scientific or
17 professional positions in the Post Office Department, each
18 such position being established to effectuate those research
19 and development functions of such Department which require
20 the services of specially qualified personnel.

21 “SEC. 2. (a) Positions created pursuant to this Act shall
22 be included in the classified civil service of the United States,
23 but appointments to such positions shall be made without
24 competitive examination upon approval of the proposed ap-

1 pointee's qualifications by the United States Civil Service
2 Commission or such officers and agents as the Commission
3 may designate for this purpose.

4 “(b) The rates of compensation for positions established
5 pursuant to the provisions of this Act shall not be less than
6 \$12,500 per annum nor more than \$19,000 per annum and
7 shall be subject to the approval of the United States Civil
8 Service Commission.

9 “(c) In any case in which, subsequent to February 1,
10 1958, provisions are included in a general appropriation
11 Act authorizing an agency of the Government referred to in
12 this Act to establish and fix the compensation of scientific or
13 professional positions similar to those authorized by this Act,
14 the number of such positions authorized by this Act shall,
15 unless otherwise expressly provided, be deemed to have been
16 reduced by the number of positions authorized by the provi-
17 sions of such appropriation Act.

18 “SEC. 3. The head of each department authorized to
19 establish and fix the compensation of positions under this
20 Act shall submit to the Congress, not later than December
21 31 of each year, a report setting forth the number of posi-

1 tions established pursuant to this Act in his department
2 during that calendar year, and the name, rate of compensa-
3 tion, and description of the qualifications of each incumbent,
4 together with a statement of the functions performed by each.
5 In any instance in which any such department head may con-
6 sider full public report on these items detrimental to the
7 national security, such department head is authorized to omit
8 such items from his annual report and, in lieu thereof, to
9 present such information in executive sessions of such com-
10 mittees of the Senate and House of Representatives as the
11 presiding officers of those bodies shall designate.”

12 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
13 POSITIONS IN DEPARTMENT OF DEFENSE UNDER SEC-
14 TION 1581(a) OF TITLE 10, UNITED STATES CODE

15 SEC. 203. Section 1581 (a) of title 10 of the United
16 States Code, authorizing the Secretary of Defense to estab-
17 lish not more than four hundred fifty scientific and pro-
18 fessional positions in the Department of Defense, is amended
19 by striking out “four hundred fifty civilian positions” and
20 inserting in lieu thereof “five hundred sixty-five civilian
21 positions”.

1 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
2 POSITIONS IN THE NATIONAL SECURITY AGENCY
3 UNDER THE ACT OF MAY 29, 1959

4 SEC. 204. Section 4 of the Act of May 29, 1959 (73
5 Stat. 63; Public Law 86-36), authorizing the Secretary of
6 Defense to establish not more than fifty scientific and pro-
7 fessional positions in the National Security Agency, is
8 amended by striking out "fifty civilian positions" and insert-
9 ing in lieu thereof "sixty civilian positions".

10 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
11 POSITIONS IN THE FEDERAL AVIATION AGENCY UNDER
12 SECTION 302(h) OF THE FEDERAL AVIATION ACT OF
13 1958

14 SEC. 205. Section 302 (h) of the Federal Aviation Act
15 of 1958 (72 Stat. 746; 49 U.S.C. 1343 (f)), authorizing
16 the Administrator of the Federal Aviation Agency to estab-
17 lish not more than fifteen scientific and professional positions
18 in the Federal Aviation Agency, is amended by striking out
19 "fifteen positions" and inserting in lieu thereof "twenty
20 positions".

1 INCREASE IN NUMBER OF SCIENTIFIC, ENGINEERING, AND
2 ADMINISTRATIVE POSITIONS IN THE NATIONAL AERO-
3 NAUTICS AND SPACE ADMINISTRATION UNDER SECTION
4 203(b)(2) OF THE NATIONAL AERONAUTICS AND SPACE
5 ACT OF 1958

6 SEC. 206. Section 203 (b) (2) of the National Aero-
7 nautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C.
8 2473 (b) (2)), authorizing the Administrator of the Na-
9 tional Aeronautics and Space Administration to establish
10 not more than two hundred and ninety scientific, engineering,
11 and administrative positions in the National Aeronautics and
12 Space Administration, is amended by striking out “two
13 hundred and ninety” and inserting in lieu thereof “three-
14 hundred and forty”.

1 TITLE III—REALIGNMENT OF COMPENSATION
2 OF CERTAIN POSITIONS UNDER THE CLASSI-
3 FICATION ACT OF 1949 AND THE FEDERAL
4 EXECUTIVE PAY ACT OF 1956

5 REMOVAL OF LIMITATION ON COMPENSATION OF OFFICERS
6 OF DEVELOPMENT LOAN FUND

7 SEC. 301. The second sentence of section 205 (b) of
8 the Mutual Security Act of 1954, as amended (22 U.S.C.
9 1875 (b)), providing a limitation of \$18,000 per annum on
10 the compensation of four officers of the Development Loan
11 Fund, is amended by striking out “and whose compensation
12 shall be at a rate not in excess of \$18,000 per year”.

13 REMOVAL OF CERTAIN POSITIONS FROM THE PURVIEW OF
14 THE FEDERAL EXECUTIVE PAY ACT OF 1956

15 SEC. 302. (a) Section 107 (a) of the Federal Executive
16 Pay Act of 1956, as amended (5 U.S.C. 2206 (a)), pro-
17 viding annual compensation of \$17,500 for certain positions,
18 is amended by striking out the following paragraphs:

19 “(2) Administrator, Bonneville Power Administra-
20 tion.”;

21 “(3) Administrator, Farmers’ Home Administration.”;

22 “(4) Administrator, Soil Conservation Service, De-
23 partment of Agriculture.”;

24 “(9) Chief Forester of the Forest Service, Depart-
25 ment of Agriculture.”;

1 “(10) Chief of Staff of the Joint Committee on Inter-
2 nal Revenue Taxation.”;

3 “(11) Commissioner of Customs.”;

4 “(12) Commissioner, Federal Supply Service, General
5 Services Administration.”;

6 “(14) Commissioner of Narcotics.”;

7 “(15) Commissioner, Public Buildings Service.”;

8 “(16) Commissioner of Public Roads.”;

9 “(17) Commissioner of Reclamation.”;

10 “(22) Manager, Federal Crop Insurance Corporation,
11 Department of Agriculture.”; and

12 “(23) Director of Coal Research, Department of the
13 Interior.”.

14 (b) Section 107 (b) of the Federal Executive Pay Act
15 of 1956, as amended (5 U.S.C. 2206 (b)), providing an-
16 nual compensation of \$17,000 for certain positions, is
17 amended by striking out

18 “(2) Treasurer of the United States.”.

19 CONFORMING CHANGES IN EXISTING LAW

20 SEC. 303. (a) Section 303 (a) of title 23 of the United
21 States Code, providing annual compensation of \$17,500 for
22 the Commissioner of Public Roads, is amended by striking
23 out the following sentence:

24 “The Commissioner of Public Roads shall receive basic com-
25 pensation at the rate of \$17,500 per annum.”.

1 (b) The first sentence of section 5(d) of the Farm
2 Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C.
3 636d(d)), providing annual compensation of \$17,500 for
4 not more than three positions of deputy governor in the
5 Farm Credit Administration, is amended by striking out “:
6 *Provided*, That the salary of not more than three positions
7 of deputy governor shall each be fixed by the Board at a rate
8 not exceeding \$17,500 per annum”.

9 (c) (1) There is hereby repealed the second sentence
10 of section 4201 of title 18 of the United States Code, provid-
11 ing annual compensation of \$17,500 for each member of the
12 Board of Parole in the Department of Justice, which reads
13 as follows: “The annual rate of basic compensation of each
14 member of the Board shall be \$17,500.”.

15 (2) The section heading of such section 4201 is
16 amended by striking out “; salaries”.

17 (3) The table of contents of chapter 311 of such title
18 18 is amended by striking out

“4201. Board of Parole; members; salaries.”

19 and inserting in lieu thereof

“4201. Board of Parole; members.”.

20 (d) Notwithstanding any other provision of law, the
21 rate of gross annual compensation of the Chief of Staff of the
22 Joint Committee on Internal Revenue Taxation shall be an

1 amount which is equal to \$17,500, as increased in the manner
2 provided by section 4 (r) of the Federal Employees Salary
3 Increase Act of 1958 (72 Stat. 209; Public Law 85-462)
4 and section 117 (g) of the Federal Employees Salary In-
5 crease Act of 1960 (Part B of the Act of July 1, 1960;
6 74 Stat. 304; Public Law 86-568).

7 (e) On and after the effective date of this subsection,
8 section 116 (a) of the Federal Employees Salary Increase
9 Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat.
10 303; Public Law 86-568) shall not be applicable with re-
11 spect to the Deputy Director of the Administrative Office of
12 the United States Courts.

13 READJUSTMENT OF CERTAIN PAY LEVELS OF THE FEDERAL
14 EXECUTIVE PAY ACT OF 1956 AND REALINEMENT OF
15 COMPENSATION FOR POSITIONS IN SUCH PAY LEVELS
16 AND CERTAIN POSITIONS OF PRESIDENTIAL ASSISTANTS
17 WITH THE COMPENSATION FOR POSITIONS IN GRADE 18
18 OF THE CLASSIFICATION ACT OF 1949

19 SEC. 304. (a) Section 106 (c) of the Federal Executive
20 Pay Act of 1956, as amended (5 U.S.C. 2205 (c)), pro-
21 viding annual compensation of \$18,000 for the Commission-
22 ers of the Indian Claims Commission, is hereby repealed.

23 (b) Section 107 (a) of such Act, as amended (5 U.S.C.

1 2206 (a)), providing annual compensation of \$17,500 for
2 certain positions, is amended—

3 (1) by striking out “\$17,500” and inserting in
4 lieu thereof “\$18,500”; and

5 (2) by adding immediately below paragraph (23)
6 thereof the following new paragraph (24) :

7 “(24) Commissioner of the Indian Claims Commission
8 (3).”

9 (c) Section 107 (b) of such Act, as amended (5 U.S.C.
10 2206 (b)), providing annual compensation of \$17,000 for
11 certain positions, is amended by striking out “\$17,000” and
12 inserting in lieu thereof “\$18,000”.

13 (d) Section 105 of title 3 of the United States Code,
14 providing for the compensation of certain assistants to the
15 President, is amended by striking out “\$17,500” and insert-
16 ing in lieu thereof “\$18,500”.

17 SAVINGS PROVISIONS

18 SEC. 305. Except as provided by section 303 (d) and
19 303 (e) of this title, each position specifically referred to
20 in or covered by any amendment made by section 301, 302,
21 or 303 of this title shall be placed in the appropriate grade
22 of the General Schedule of the Classification Act of 1949, as
23 amended, in accordance with the provisions of such Act.
24 The incumbent of each such position immediately prior to
25 the effective date of this section shall continue to receive

1 the rate of basic compensation which he was receiving im-
2 mediately prior to such effective date until he leaves such
3 position or until he is entitled to receive compensation at a
4 higher rate in accordance with law. When such incumbent
5 leaves such position, the rate of basic compensation of each
6 subsequent appointee to such position shall be determined in
7 accordance with the Classification Act of 1949, as amended.

8 EFFECTIVE DATE

9 SEC. 306. The foregoing provisions of this title shall
10 become effective at the beginning of the first pay period
11 which begins on or after the sixtieth day following the date
12 of enactment of this Act.

13 TITLE IV—EXAMINERS UNDER THE ADMINIS- 14 TRATIVE PROCEDURE ACT

15 REVISION OF COMPENSATION OF EXAMINERS

16 SEC. 401. Section 11 of the Administrative Procedure
17 Act, as amended (5 U.S.C. 1010), relating to examiners,
18 is amended to read as follows:

19 “EXAMINERS

20 “SEC. 11. (a) Subject to the civil service and other
21 laws to the extent not inconsistent with this Act, there shall
22 be appointed by and for each agency as many qualified and
23 competent examiners as may be necessary for proceedings
24 pursuant to sections 7 and 8. Examiners shall be assigned
25 to cases in rotation so far as practicable and shall perform

1 no duties inconsistent with their duties and responsibilities
2 as examiners.

3 “(b) Examiners shall be removable by the agency in
4 which they are employed only for good cause established
5 and determined by the United States Civil Service Commis-
6 sion (hereinafter called the Commission) after opportunity
7 for hearing and upon the record thereof.

8 “(c) Agencies occasionally or temporarily insuffi-
9 ciently staffed may utilize examiners selected by the Com-
10 mission from and with the consent of other agencies.

11 “(d) Examiners employed by the Department of Agri-
12 culture, the Department of Labor, the Federal Maritime
13 Board in the Department of Commerce, the Atomic Energy
14 Commission, the Federal Communications Commission, the
15 Federal Power Commission, the Federal Trade Commission,
16 the Civil Aeronautics Board, the Interstate Commerce Com-
17 mission, the National Labor Relations Board, the Securities
18 and Exchange Commission, the Subversive Activities Con-
19 trol Board, the Post Office Department, the Office of Alien
20 Property in the Department of Justice, and the Federal
21 Reserve System shall receive compensation at a rate equal
22 to the maximum scheduled rate prescribed for grade GS-16
23 by the Classification Act of 1949, as amended. All other
24 examiners shall receive compensation at a rate equal to the

1 maximum scheduled rate prescribed for grade GS-14 by
2 the Classification Act of 1949, as amended. Agencies hav-
3 ing ten or more examiners may designate one examiner as
4 the chief examiner to have the administrative management
5 responsibility for the hearings program of the agency. The
6 examiner so designated to exercise this responsibility shall
7 receive \$500 per annum in addition to his compensation as
8 an examiner.

9 “(e) For the purposes of this section, the Commission
10 is authorized to make investigations, require reports by agen-
11 cies, issue reports (including an annual report to the Con-
12 gress), promulgate rules, appoint such advisory committees
13 as may be deemed necessary, recommend legislation, sub-
14 pena witnesses or records, and pay witness fees as established
15 for the United States courts.”.

16 CONFORMING AMENDMENTS

17 SEC. 402. (a) Section 202 of the Classification Act of
18 1949, as amended (5 U.S.C. 1082), is amended—

19 (1) by striking out the period at the end of para-
20 graph (34) thereof and inserting a semicolon in lieu
21 of the period;

22 (2) by striking out the period at the end of para-
23 graph (35) thereof and inserting in lieu of the period a
24 semicolon and the word “and”; and

1 (3) by inserting immediately below paragraph
2 (35) the following new paragraph:

3 “(36) Examiners appointed under section 11 of the
4 Administrative Procedure Act, as amended (5 U.S.C.
5 1010).”.

(b) Section 2 (b) of the Performance Rating Act of 1950, as amended (5 U.S.C. 2001), is amended—

(1) by striking out the period at the end of paragraph (13) thereof and inserting in lieu of the period a semicolon and the word “and”; and

(2) by inserting immediately below paragraph (13) the following new paragraph:

13 “(14) Examiners appointed under section 11 of the
14 Administrative Procedure Act, as amended (5 U.S.C.
15 1010).”.

16 SAVINGS PROVISIONS

17 SEC. 403. Each examiner subject to section 11 of the
18 Administrative Procedure Act, as amended by section 401
19 of this title, who, immediately prior to the effective date of
20 this section, is receiving in his position of examiner a rate
21 of compensation which is in excess of the new rate of com-
22 pensation prescribed under authority of subsection (d) of
23 such section 11, as so amended, may continue to receive
24 such former rate so long as he remains in the same position.
25 When such incumbent examiner leaves such position, the

1 rate of compensation of each subsequent appointee to such
2 position shall be determined in accordance with subsection
3 (d) of such section 11, as so amended.

4 EFFECTIVE DATE

5 SEC. 404. The foregoing provisions of this title shall
6 become effective at the beginning of the first pay period
7 which begins on or after the sixtieth day following the date
8 of enactment of this Act.

A BILL

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

By Mr. MURRAY

MAY 29, 1961

Referred to the Committee on Post Office and Civil Service

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

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For highlights see page 6.

SENATE

1. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) S. 1683, with amendment, to remove the present requirement, contained in the Pay Act of 1960, that ASC employees with past service purchase credit for such services within a two-year period from July 10, 1960; H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government; H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions; and H. R. 2555, to authorize pay with respect to civilian employees of the U. S. in cases of emergency evacuations, and to consolidate the laws governing allotments and assignment of pay by such employees. p. D785

The "Daily Digest" states that the "Committee put over for considerations at a later date S. 1732, providing for the establishment and rate of pay of supergrade, scientific, and other Federal positions." p. D785

2. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 230, to modify provisions relating to the construction of the Garrison Diversion Unit, Missouri River Basin project (S. Rept. 833). p. 16337
3. STATE-JUSTICE APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 7371 (pp. 16348-61, 16364-413). Conferees were appointed (p. 16413). Agreed to an amendment by Sen. Mansfield (for himself and Sen. Dirksen), by a vote of 70 to 19, to extend the Civil Rights Commission for an additional two years (pp. 16348-61, 16364-400).
4. TRANSPORTATION. The Commerce Committee reported an original bill, S. 2491, to permit the application of the bulk commodity exemption when other commodities are concurrently transported in the same vessel (S. Rept. 838). p. 16337
5. ADMINISTRATIVE ORDERS. The Judiciary Committee reported without amendment H. R. 5656, to provide for reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies (S. Rept. 835). p. 16337
6. RIVER BASINS. Sen. Jackson announced that hearings will be held by the Interior and Insular Affairs Committee Tues., Sept. 5, on H. J. Res. 225, to grant the consent to Congress to the Delaware River Basin Compact. p. 16340
7. DEPRESSED AREAS. Sen. Tower criticized the designation of certain areas as "depressed areas." and inserted an East Texas Chamber of Commerce resolution critical of the designation of 41 east Texas counties as "depressed areas." p. 16341
8. CONSUMERS. Sen. Keating inserted an editorial supporting enactment of legislation to establish an Office of Consumer Counsel in the White House. p. 16342
9. FORESTRY; RECREATION. Sen. Moss inserted an article, "Tourists' New Frontier," discussing the creation of recreational facilities on public lands in the West. pp. 16343-5
10. WILDERNESS AREAS. Sen. Proxmire inserted letters he received from the Independent Petroleum Assoc. of America opposing S. 174, to provide for the establishment of a wilderness preservation system. pp. 16345-6
11. WATERSHEDS. The Public Works Committee approved the following watershed projects: Big Sandy Creek, Colo., South River, Ga., Middle Fork of Anderson River, Ind., Middle-South Branch Forest River, N. Dak., Sallisaw Creek, Okla., Beaver Creek, Oreg., and Twin Parks Creek, Wis. p. 16348
12. SMALL BUSINESS. Passed without amendment H. R. 8922, to increase by \$20 million the amount available for regular business loans by the Small Business Administration. This bill will now be sent to the President. pp. 16361-3
13. FOREIGN AFFAIRS. Sen. Humphrey inserted an address by Assistant Secretary of Commerce for International Affairs, Rowland Burnstan, discussing problems involved in the economic development of Latin America. pp. 16415-20
14. LEGISLATIVE PROGRAM. Sen. Mansfield expressed hope that Senate action would be completed this week on the saline water bill, the foreign aid authorization bill, and migratory labor bills. He stated that next week the wilderness bill will be considered on Tues., the Department of Urban Affairs and Housing bill on Wed.,

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HIGHLIGHTS: Senate passed wilderness bill. Senate committee voted to report bill to increase number of supergrade positions. House Rules Committee cleared Peace Corps bill. Senate committee reported bill to establish Department of Urban Affairs and Housing. House committee reported public works appropriation bill.

SENATE

1. WILDERNESS AREAS. By a vote of 78 to 8, passed with amendments, S. 174, the wilderness areas preservation bill. pp. 17202-51

Agreed to the following amendments:

By Sen. Allott, to provide that nothing in the bill shall be construed as superseding, modifying, repealing, or otherwise affecting the provisions of the Federal Power Act. pp. 17229-31

By Sen. Miller, to provide that hearings shall be held within 30 days on any resolution introduced in Congress opposing inclusion of any proposed area in the wilderness system. p. 17234

By Sen. Gruening, to provide that Presidential Land Use Commissions established in States shall be composed of at least 3 (rather than only 3) residents of the State concerned. p. 17234

By Sen. Church, to provide that where State-owned land is completely surrounded by lands in the wilderness system the State shall be given access rights to its land or given other land of equal value in exchange for the land so surrounded. pp. 17234-5

By Sen. Gruening, to provide that State Presidential Land Use Commissions shall advise and consult with the Secretaries of Agriculture and Interior (rather than only the Secretary of the Interior) on the utilization of federally owned land within the States. p. 17234

Rejected the following amendments:

By Sen. Allott, 32 to 53, to provide that recommendations of the President for including areas in the wilderness system shall become effective the day following the adjournment sine die of Congress, but only if prior to adjournment Congress approves a concurrent resolution declaring itself in favor of the recommendation (rather than if neither the Senate nor House approves a resolution declaring itself opposed to the recommendation). pp. 17202-26

By Sen. Allott, 35 to 51, to provide that the Secretaries of Agriculture and Interior (rather than the President) may authorize prospecting, mining, etc., within the national forest and public domain areas included in the wilderness system if such activities are determined to be in the public interest. pp. 17227

2. PERSONNEL. The Post Office and Civil Service Committee voted to report with amendments S. 1732, to increase the limitation on the number of supergrade and high-level scientific positions in the Federal service. The "Daily Digest" states that the "committee voted to add 419 additional supergrade-type positions which would be available to the Civil Service Commission, of which 100 would be used only upon Presidential order. In addition, 28 positions were authorized for the Department of Defense, 12 for the National Security Agency, and 6 for the Immigration and Naturalization Service, making a total authorization of 465 such positions. The committee approved 249 scientific-type positions as follows: 135 for NASA, 75 for DOD, 10 each for NSA and FAA, 4 for the Library of Congress, and 3 each for the Departments of Interior, Agriculture, HEW, Commerce, and Post Office." pp. D812-3

3. PUBLIC LANDS. The Agriculture and Forestry Committee voted to report the following bills: p. D812

H. R. 3879, to authorize the Secretary of Agriculture to convey to Wyoming for agricultural purposes the SCS Farson Pilot Farm in Sweetwater County, Wyo.

H. R. 3920, to authorize the exchange of a parcel of land at the Agricultural Research Center.

H. R. 4682, to authorize the Secretary of Agriculture to sell and convey certain tracts of forest land in Iowa to the State.

H. R. 6193, to authorize the Secretary of Agriculture to convey a tract of forest land in Wyoming to Fremont County.

4. EDUCATION. The Subcommittee on Education of the Labor and Public Welfare Committee approved for full consideration with amendments S. 1241, to authorize Federal assistance to public and other nonprofit institutions of higher education in financing the construction and improvement of needed academic and related facilities. p. D812

5. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Indian Creek, Iowa; Big Reedy Creek, Ky.; Anasco River, P. R.; Sarasota west coast, Fla.; Little Satilla Creek, Ga.; Ryan-Henschel Davids Creek, Iowa; East Fork of Pond River, Ky.; Souhegan River, Mass. and N. H.; Tallahalla Creek, Miss.; Ahoskie Creek, N. C.; Cane Creek, Okla.; Dunlap Creek, Pa.; and West Fork, Kickapoo, Wis. p. D812

11. PASSED OVER the following bills:
H. R. 6775, to provide for the operation of steamship conferences.
p. 17305
H. R. 6141, to limit to cases involving the national security the prohibition on payment of retirement annuities to retired Federal employees.
p. 17305
S. 1633, to provide for the establishment of a Department of Urban Affairs and Housing. p. 17309
12. LEGISLATIVE PROGRAM. Sen. Mansfield stated that S. 2180, to establish a U. S. Disarmament Agency for World Peace and Security, will be considered next, followed by consideration of the Mexican farm labor bill. p. 17414
- HOUSE
13. APPROPRIATIONS. Received the conference report on H. R. 7035, the Labor-HEW appropriation bill (H. Rept. 1154) (pp. 17429-31). The bill includes \$20,250,000 for the Office of Vocational Rehabilitation.
Conferees were granted until midnight Fri., Sept. 8, to file a conference report on H. R. 8302, the military construction appropriation bill. p. 17493
14. RICE. The Agriculture Committee reported without amendment H. R. 9013, to provide for the transfer of rice acreage history where a producer withdraws from the production of rice (H. Rept. 1150). p. 17495
15. CONSERVATION. The Agriculture Committee reported with amendments H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley (H. Rept. 1149).
p. 17495
16. WHEAT. The Agriculture Committee reported with amendments H. R. 8842, to permit a wheat producer to withdraw from his stored excess the amount of wheat by which he fails to make his normal production on the reduced acreage allotment, less the acres voluntarily retired below the allotment (H. Rept. 1148).
p. 17495
17. SUPERGRADES. The Post Office and Civil Service Committee voted to report (but did not actually report) with amendments H. R. 7377, to increase the limitation on the number of supergrades, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (p. D825). The committee was granted until midnight Thurs., Sept. 7, to file a report on this bill (p. 17423).
18. WATERFOWL. Disagreed to the Senate amendments and conferees were appointed on H. R. 7391, to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat. p. 17426
19. POSTAL RATES. The Post Office and Civil Service Committee reported with amendment H. R. 7927, to adjust postal rates (H. Rept. 1155). p. 17495

20. PERSONNEL. The Post Office and Civil Service Committee ordered favorably reported H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945, in lieu of certain compensation at a saved rate. pp. D824-5
21. FOREIGN TRADE. The Post Office and Civil Service Committee ordered favorably reported H. R. 7791, to provide for the collection and publication of foreign commerce and trade statistics. p. D825
- Passed as reported H. R. 7692, to amend section 304 of the Tariff Act to provide that when articles, which are imported in containers that are now required to be marked to show in English the name of the country of origin of such articles, are repackaged in the U. S. and offered for sale, the new packages shall be marked to show the country from which the materials originally came. pp. 17427-9
- Agreed to without amendment H. Res. 403, to create a select committee to conduct an investigation and study of the administration, operation, and enforcement of the Export Control Act of 1949. pp. 17433-45
22. TRANSPORTATION. Agreed to the Senate amendment to H. R. 6732, to amend the Merchant Marine Act, 1936, as amended, to encourage the construction and maintenance of American-flag vessels built in American shipyards. This bill will now be sent to the President. p. 17446
23. PEACE CORPS. Rep. Dorn stated that the proposal to establish a Peace Corps is wrought with potential danger to U. S. prestige by sending inadequately trained and indoctrinated personnel into foreign countries. pp. 17446-7
- The Rules Committee reported a resolution for consideration of H. R. 7500, to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower. p. 17495
24. ELECTRIFICATION. Rep. Saylor criticized what he termed "an unholy alliance between the fanatical public power zealots and the Bureau of Reclamation who are using the reclamation program for the promotion of subsidized Government power." pp. 17450-7
- Rep. Ashbrook said the Government's "getting deeper" into the electric power business is a "serious and dangerous trend which can and must be reversed." pp. 17461-3
25. LEGISLATIVE PROGRAM. Rep. Albert announced that the Labor-HEW and the military construction appropriations conference reports will be considered on Monday; the public works appropriation bill on Tuesday; the conference report on Atomic Energy Commission appropriations authorization, the Peace Corps bill, H. R. 6360, relating to an additional Assistant Secretary of Commerce, and the supplemental appropriation bill for 1962, on Wednesday and the balance of the week. pp. 17481-2
26. ADJOURNED until noon Monday, September 11.

ITEMS IN APPENDIX

27. FARM PROGRAM. Extension of remarks of Sen. Wiley inserting an article in which a Wisc. dairyman reports on a tour of farm areas in Soviet countries. pp. A7035-6
- Extension of remarks of Rep. Alexander inserting Under Secretary Murphy's address before the annual meeting of the North Carolina Feeder Manufacturers Association, Virginia Beach, Va. pp. A7061-3

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

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For actions of September 12, 1961
87th-1st, No. 159

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HIGHLIGHTS: House committees reported supplemental appropriation bill and additional-supergrades bill. Senate committees reported: Additional-supergrades bill. Youth Conservation Corps bill. Delaware River Basin compact bill. Sen. Keating criticized and Sens. Proxmire and Humphrey and Rep. Fountain and Smith, Iowa, commended feed grains program. Senate agreed to conference report on Labor-HEW appropriation bill. Rep. Coad objected to appointment of conferees on Mexican farm labor bill. House debated public works and conference report on State-Justice appropriation bills. Sen. Neuberger and others introduced and Sen. Neuberger and Reps. Breeding and May discussed wheat bills.

HOUSE

1. **APPROPRIATIONS.** The Appropriations Committee reported H. R. 9169, the supplemental appropriation bill for 1962 (H. Rept. 1175) (p. 18028). The bill includes the following items for the Farmers Home Administration: (1) Farm Housing Grants and Loans as authorized by Public Law 87-70, which amends the Housing Act of 1949, \$10,000,000 (same as budget estimate); (2) additional amount for Salaries and Expenses, \$1,000,000 (budget estimate, \$2,400,000) including \$125,000 (budget estimate, \$250,000) for farm housing research; and (3) a language proposal making not to exceed \$8,000,000 of the \$37,500,000 contingency authorization for farm operation loans provided in the 1962 Agricultural Appropriation Act available for Soil and Water Conservation Loans (budget estimate did not earmark any specific portion of the contingency authorization).

The Committee recommended that the budget estimate of \$47,200,000 for a new appropriation "Emergency Relocation of Grain" be denied, commenting as follows:

"Civil defense: Emergency relocation of grain.--The Committee recommends that the \$47,200,000 request to relocate wheat from current storage sites to locations close to metropolitan areas be denied. This proposal to store unmilled wheat which is unusable in that form deserves further study. Substantial sums have already been provided for civil defense including \$27,800,000 in a recent bill for an emergency survival food program."

The bill also includes under the Department of Commerce a supplemental appropriation estimate for fiscal year 1962 for the Area Redevelopment Administration, including \$5,500,000 (budget estimate, \$11,000,000) for administrative expenses, including technical services, of the Department of Commerce and delegate agencies.

The bill also includes under the Department of Labor a supplemental appropriation estimate for expenses necessary to carry into effect sections 16 (occupational training) and 17 (retraining subsistence payments) of the Area Redevelopment Act, including grants or reimbursements to States, of \$14,000,000, of which \$10,000,000 shall be available for occupational training and retraining payments to unemployed and underemployed individuals in redevelopment areas.

The Committee denied a Commerce Department request for \$1 million additional funds for Federal participation in the Century 21 Exposition.

Agreed to the conference report on H. R. 7371, the State-Justice appropriation bill, and began action on amendments in disagreement. pp. 17950-4

Began debate on H. R. 9076, the public works appropriation bill. pp. 17962-8004, 18009-11.

Rejected the following amendments:

By Rep. Saylor, providing that no part of the funds appropriated shall be available for conducting a survey of pump-back storage. p. 17993

By Rep. Jensen, 114 to 135, to strike out provisions for the construction of certain power lines on the Upper Colorado River project. pp. 17994-8001

2. SUPERGRADES. The Post Office and Civil Service Committee reported with amendments H. R. 7377, to increase the limitation on the number of supergrades, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (H. Rept. 1170). p. 18028

3. WETLANDS. Passed with amendments H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. pp. 17954-7

The "Daily Digest" states that "Conferees, in executive session, agreed to file a conference report on the differences between the Senate-and House-passed versions of H. R. 7391, to promote the conservation of migratory birds by the acquisition of wetlands." p. D841

4. PURCHASING. The Judiciary Committee reported without amendment H. R. 8741, to authorize any Federal agency to waive performance and payment bonds (H. Rept. 1173). p. 18028

5. PERSONNEL. Conferees were appointed on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, to modify the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, and to provide for permanent indefinite appropriations for the retirement fund. Senate conferees have already been appointed. p. 17950

The Post Office and Civil Service Committee reported without amendment H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945, in lieu of certain compensation at a saved rate (H. Rept. 1168). p. 18028

The Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee voted to report to the full committee H. R. 8798, relating to travel expenses of certain civilian officers and employees. p. D840

6. FARM LABOR. Rep. Coad objected to sending H. R. 2010, to extend and amend the Mexican farm labor program, to conference. p. 17950

7. FOREIGN AFFAIRS. Conferees were appointed on H. R. 8666, to provide for the improvement and strengthening of the international relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges. p. 17950

The Foreign Affairs Committee reported without amendment H. R. 9118, to establish a U. S. Arms Control Agency (H. Rept. 1165). p. 18028

8. FEED GRAINS. Rep. Fountain discussed the feed grains program, and said, "I am glad that I supported the feed grain program." pp. 18024-5

Rep. Smith, Iowa, discussed the feed grains program, saying, "When the administration early this year proposed the 1961 emergency feed grain program, its objective was to first improve farm income and second, to reduce Government costs. The September crop report clearly indicates that these two objectives have been fully achieved." pp. 18025-6

SENATE

9. PERSONNEL. The Post Office and Civil Service Committee reported with amendments S. 1732, to increase the limitation on the number of supergrade and high-level scientific positions (S. Rept. 977). p. 17820

~~Passed without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government. This bill will now be sent to the President. pp. 17935-46~~

10. YOUTH CONSERVATION CORPS. The Labor and Public Welfare Committee reported with amendments S. 404, to authorize the establishment of a Youth Conservation Corps of young men to assist in the conservation of natural resources (S. Rept. 976). pp. 17819-20

11. WATER COMPACTS. The Public Works Committee reported with amendment S. 856, to grant the consent of Congress to the Delaware River Basin Compact (S. Rept. 985). p. 17819

12. TRANSPORTATION. The Commerce Committee reported without amendment S. 2524, to extend until March 31, 1962, the authority for dual-rate contract agreements by steamship conferences (S. Rept. 979). p. 17819

Began debate on H. R. 6775, to extend indefinitely the authority for dual-rate contract agreements by steamship conferences. pp. 17946-8

13. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 1060, to authorize construction of the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Wash. (S. Rept. 973). p. 17819

The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration S. 2008, relating to the construction and operation of the Spokane Valley project. p. D839

14. MINERALS. The Interior and Insular Affairs Committee reported without amendment H. R. 2924, to repeal an act extending the time in which to file adverse claims and institute adverse suits against mineral entries in Alaska (S. Rept. 982). p. 17819
15. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 1760, to provide for the establishment of the Great Basin National Park, Nev. (the bill as introduced provided for the transfer of national forest lands to the proposed park) (S. Rept. 983). p. 17819
16. EDUCATION. Passed with amendments S. 2393, to extend for 2 years the authority for Federal assistance for the construction and operation of schools in federally impacted areas and the National Defense Education Act (pp. 17827-32, 17834-5, 17837, 17844-910). By a vote of 80 to 7, agreed to an amendment by Sen. Monroney to extend the programs for a 2-year period (pp. 17879-910). By a vote of 40 to 45, rejected an amendment by Sen. Morse (for himself and Sen. Javits) to limit to a 1-year period assistance to schools in federally impacted areas (pp. 17900-01).
17. LABOR-HEW APPROPRIATION BILL FOR 1962. Agreed to the conference report and acted on amendments in disagreement on this bill, H. R. 7035. The bill will now be sent to the President. pp. 17910-6
18. FEED GRAINS. Sen. Keating referred to the latest report on probable feed grain production and contended that the feed grain program has "failed" since "Production has not been materially cut." p. 17825
Sen. Proxmire defended the feed grain program and stated that "the value to feed grain producers and the U. S. taxpayer of the 1961 feed grain program, in contrast to the program which it replaced, was again demonstrated by the September crop report issued yesterday by the U. S. Department of Agriculture." pp. 17918-9
Sen. Humphrey defended the program as having "saved the Government of the United States millions of dollars" and stated that "Had there been no 1961 feed grain program, corn would be about ready to harvest from 71.5 million acres - as in 1960 - and grain sorghum would have been approximately 15.5 million." p. 17934
19. ELECTRIFICATION. Sen. Moss inserted an article on the controversy of public vs private construction of transmission lines between the dams of the Colorado River storage project, "Private Firms Score Big Point in Power Transmission Battle." pp. 17833-4
20. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the foreign aid, public works, and supplemental appropriations bills will be considered as soon as they are reported from committee. pp. 17835-6

ITEMS IN APPENDIX

21. LIVESTOCK. Extension of remarks of Rep. Poage discussing the cattle branding, identification and inspection program in Texas. pp. A7146-7

INCREASE IN TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF 1949 AND OTHER MATTERS

SEPTEMBER 12, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JAMES C. DAVIS, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 7377]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

- (1) Page 2, immediately following line 2, insert the following:

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY WITH RESPECT TO TOP GRADES OF CLASSIFICATION ACT OF 1949

SEC. 101. (a) The Congress hereby finds that—

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregard the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other

authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

(2) Page 5, line 17, strike out "101" and insert "102" in lieu thereof.

(3) Page 5, line 23, strike out "and (j)" and insert "(j), and (m)" in lieu thereof.

(4) Page 6, line 1, strike out "two thousand and ninety-six" and insert in lieu thereof "nineteen hundred and twenty-nine".

(5) Page 6, strike out beginning with the word "time" in line 3 and all that follows down through the second period in line 6 on page 6, and insert in lieu thereof "time.'".

(6) Page 6, line 12, strike out "four hundred twenty-two" and insert in lieu thereof "four hundred twelve".

(7) Page 6, immediately following line 13, insert the following:

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsections:

"(m) The Federal Home Loan Bank Board is authorized, subject to the standards and procedures prescribed by this Act, to allot a total of not more than four positions in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

"(n) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress."

(8) Page 7, line 12, strike out "102" and insert "103" in lieu thereof.

(9) Page 8, strike out line 25 and all that follows down through line 3 on page 9, and insert in lieu thereof the following:

(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377), containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

"(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective numbers of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective numbers of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act."

(10) Page 12, line 8, strike out "103" and insert "104" in lieu thereof.

(11) Page 12, line 9, strike out "101 and 102" and insert "102 and 103" in lieu thereof.

(12) Page 13, line 21, strike out "(a)".

(13) Page 14, line 4, strike out "ten" and insert "eight" in lieu thereof.

(14) Page 14, line 19, strike out "fifteen" and insert "thirteen" in lieu thereof.

(15) Page 15, line 15, strike out "classified" and insert "competitive" in lieu thereof.

(16) Page 17, line 11, strike out "five hundred sixty-five" and insert "five hundred thirty-five" in lieu thereof.

(17) Page 18, line 5, insert "(a)" immediately following "SEC. 205."

(18) Page 18, immediately following line 11, insert the following:

(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed \$19,500, is amended by striking out "ten positions" and inserting in lieu thereof "twenty positions".

(19) Page 18, line 23, insert "(a)" immediately following "Sec. 206."

(20) Page 19, line 6, strike out "forty" and insert "fifty-five" in lieu thereof.

(21) Page 19, immediately following line 6, insert the following:

(b)(1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

(A) the number of positions established under section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2));

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

(22) Page 20, strike out line 22 and all that follows down through line 4 on page 21.

(23) Page 21, line 7, strike out “302” and insert “301” in lieu thereof.

(24) Page 22, line 1, strike out ““(16) Commissioner of Public Roads.””.

(25) Page 22, line 13, strike out “303” and insert “302” in lieu thereof.

(26) Page 22, line 13, strike out “(a)” and all that follows down through line 18 on page 22.

(27) Page 22, line 19, strike out “(b)” and insert “(a)” in lieu thereof.

(28) Page 22, line 19, insert “proviso contained in the” immediately following “The”.

(29) Page 22, line 24, strike out “by” and all that follows down through “annum’.” in lines 1 and 2 on page 23, and insert in lieu thereof the following:

to read as follows: “: *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended”.

(30) Page 23, line 7, strike out “(c)” and insert “(b)” in lieu thereof.

(31) Page 23, line 18, strike out “(d)” and insert “(c)” in lieu thereof.

(32) Page 24, line 4, strike out “(e)” and insert “(d)” in lieu thereof.

(33) Page 24, immediately following line 9, insert the following:

(e) (1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out

“(1) Architect of the Capitol.”.

(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

“(5) Assistant Architect of the Capitol.”.

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—

(1) by striking out “\$8,880” where it first appears in such subsection and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,”; and

(2) by striking out “\$8,880” at the second place where it appears in such subsection and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended”.

(g) (1) This subsection is enacted as an exercise of the rule making power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of Rule XI of the Rules of the House of Representatives is amended—

(A) by striking out “\$8,880” where it first appears in such clause and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,”; and

(B) by striking out “\$8,880” at the second place where it appears in such clause and inserting in lieu thereof “the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended”.

(34) Page 26, line 7, strike out “304” and insert “303” in lieu thereof.

(35) Page 27, line 4, strike out “305” and insert “304” in lieu thereof.

(36) Page 27, lines 4 and 5, strike out “section 303(d) and 303(e)” and insert in lieu thereof “subsections (a), (c), (d), (e), (f), and (g) of section 302”.

(37) Page 27, lines 7 and 8, strike out “section 301, 302, or 303” and insert “sections 301 and 302” in lieu thereof.

(38) Page 28, strike out line 1 and all that follows down through line 22 on page 31, and insert in lieu thereof the following:

TITLE IV—POSITIONS IN TOP SALARY LEVELS [IN THE POSTAL FIELD SERVICE

INCREASE IN NUMBER OF AUTHORIZED TOP SALARY LEVEL POSITIONS IN THE POSTAL FIELD SERVICE

SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the end thereof the following new sentence: "In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine."

Amend the title so as to read:

A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

PURPOSE OF AMENDMENTS

The purpose of the amendments is discussed in the explanation of the bill by sections.

PURPOSE

The three basic purposes of this legislation are—

(1) to reaffirm, by a declaration of congressional policy, that requests for additional numbers of supergrade positions—that is, positions in grades GS-16, 17, and 18 of the Classification Act of 1949, as amended—are properly within the jurisdiction of the Committees on Post Office and Civil Service of the Senate and of the House of Representatives;

(2) to increase the number of top level positions in the Federal Government; and

(3) to amend and adjust the Federal Executive Pay Act of 1956.

STATEMENT

CONGRESSIONAL POLICY

The Committee on Post Office and Civil Service is gravely concerned by the large number of bills already presented during the 1st session of the 87th Congress—actually some 45—to provide additional supergrade positions which are before other committees of the House although this committee has exclusive jurisdiction over such personnel matters. Section 101 of H.R. 7377 contains a congressional policy statement with respect to these positions. This policy restates and affirms the responsibility and jurisdiction of Post Office and Civil

Service Committees of the Senate and the House of Representatives and is intended to make that responsibility and jurisdiction clear to all parties concerned.

SUPERGRADE POSITIONS

This legislation will increase the number of supergrade positions in the Federal Government by 414, of which 370—including 20 transferred from the Federal Executive Pay Act of 1956, as amended—will be available to the U.S. Civil Service Commission for distribution to various departments and agencies, 40 are assigned to the Department of Defense, and 4 are assigned to the Federal Home Loan Bank Board.

H.R. 7377 repeals current authorizations for a combined total of 451 supergrade positions in 14 departments and agencies and consolidates the control and general distribution of those positions in the U.S. Civil Service Commission. The 451 positions do not represent new or additional supergrade positions but, rather, a transfer which increases the number of positions for the Commission's control and distribution.

Various departments and agencies, during the consideration of this legislation, made representations to the committee regarding their needs. The committee particularly emphasizes the needs revealed and the justifications presented by the Treasury Department. The continued expansion and reorganization of the Internal Revenue Service to meet the requirements of a rapidly expanding economy with maximum efficiency are contingent, to a large degree, on an adequate number of supergrade positions in that Department.

The committee's special attention also has been directed to the problems of recruiting and turnover of trial attorneys in the Department of Justice. We recognize the necessity to attract and retain the best talent possible in the Government, within the framework of the Federal pay structure, be it in the legal, medical, accounting, or any other professional field. The U.S. Civil Service Commission is expected to deal with such personnel problems, including the turnover of attorneys in the Department of Justice, as realistically as possible.

SCIENTIFIC AND PROFESSIONAL POSITIONS

This legislation provides for 184 engineering, scientific, and research and development positions of the kind first authorized by the bill, developed by the Post Office and Civil Service Committees, which became Public Law 313, 80th Congress. The Departments of Interior and Health, Education, and Welfare, and the Post Office Department, each are granted three such positions; the Departments of Agriculture and Commerce and the Federal Aviation Agency are each granted 5; the Department of Defense is granted 85; the National Security Agency is granted 10; and the National Aeronautics and Space Administration is granted 65. The rates of compensation of these positions range from \$12,500 to \$19,000 per year, thus providing a measure of flexibility in selecting and fixing the compensation of specially qualified engineering, scientific, and research and development personnel.

The National Aeronautics and Space Administration is not now required, as are other departments and agencies, to submit, either to the Congress or to the U.S. Civil Service Commission, a report con-

cerning the pay distribution and the qualifications of its scientific and engineering personnel. Although the committee has received no criticism of the use by this Agency of its authority, it is felt that, where freedom from customary personnel control exists, information should be summarized and submitted yearly to the Congress to provide adequate review and evaluation of the use made of such top level positions. Accordingly, this legislation requires an annual report to the Congress by the National Aeronautics and Space Administration—as in the case of other departments and agencies—showing the name, rate of compensation, and description of the qualifications of the incumbent of each engineering, scientific, and research and development position.

REALIGNMENT OF COMPENSATION UNDER THE FEDERAL EXECUTIVE PAY ACT OF 1956

When the Federal Executive Pay Act of 1956 was passed the positions receiving the lowest rate of compensation under that act were paid a minimum of \$500 more than the maximum rate under the Classification Act of 1949. Since 1956, employees subject to the Classification Act of 1949 have received two increases in compensation but no general increase has been granted for positions under the Federal Executive Pay Act of 1956. This has resulted in situations whereby certain heads of agencies or bureaus, whose positions are under the Federal Executive Pay Act of 1956, are receiving as much as \$1,000 per year less than their deputies or assistants, who are under the Classification Act of 1949.

Section 301 of the bill removes 20 of these positions—as, for example, the positions of Administrator of Farmers Home Administration, Commissioner of Customs, and Commissioner of Public Buildings Services—from the Federal Executive Pay Act of 1956 and places them under the Classification Act of 1949. This will not only provide appropriate salary adjustments for these officials but will extend to them benefits of the Classification Act of 1949 that are not now enjoyed under the Federal Executive Pay Act of 1956.

Certain other positions now under the Federal Executive Pay Act of 1956, such as the Deputy Public Printer, the Deputy Administrator of the St. Lawrence Seaway, and three assistants to the President, also will receive salary adjustments of from \$500 to \$1,000 per annum to conform with the increases received by Classification Act employees in 1958 and 1960.

TRIAL EXAMINERS

The committee did not approve the request of the U.S. Civil Service Commission to increase the salaries of hearing examiners by fixing arbitrary rates of compensation. In the judgment of the committee, there has been no showing of any compelling reasons to raise the compensation of this particular group of Federal employees—at least at the present time. The committee is, however, of opinion that there are various personnel management problems in connection with the hearing examiners and their relationship to other employees in their departments and agencies and proposes within the next several months to look into such management and administrative problems.

POSTAL FIELD SERVICE POSITIONS

Positions in salary levels 17, 18, 19, and 20 of the postal field service schedule of the Post Office Department, in general, are comparable to the supergrade positions under the Classification Act of 1949. Currently the Post Office Department is subject to strict limitations as to the numbers of positions in such levels in the postal field service. There has been no change in such limitations since they were fixed by the Postal Field Service Compensation Act of 1955, although the need for additional top level positions has increased sharply during the last 6 years. The committee proposes, in title IV, to increase the number of such positions by 40 to meet urgent immediate requirements and to strengthen management in the postal field service. The committee recognizes that postal operations are expanding daily in volume and complexity due to increases and changes in our population and in the national economy. The additional positions granted by title IV are deemed necessary to the maintenance of an efficient and economical postal communications system.

HOUSE COMMITTEE EMPLOYEES

This legislation amends the Legislative Reorganization Act of 1946 to increase the salary ceiling for staff members of standing committees of the House of Representatives to the maximum rate provided by the Classification Act of 1949, as amended—currently \$18,500 per annum. This amendment does not, in and of itself, provide a salary increase for such employees. It does, however, by increasing the salary ceiling, permit the appropriate committee authority to grant an increase subject to the new ceiling.

PUBLIC HEARINGS

The subcommittee appointed to consider the administration's request received testimony of Members of Congress, officials of 10 different departments and agencies, and representatives of Federal trial examiners. Included among the representatives who appeared before the committee were the Chairman of the U.S. Civil Service Commission, the Assistant Secretary of Defense for Manpower, the Director of the Peace Corps, the Administrative Assistant Secretary of the Treasury, the Director of Internal Revenue Service, and the Administrators of Federal Aviation and the National Aeronautics and Space Administration.

During the 8 days of hearings, significant points were developed as follows:

(a) Inflation has been taking place for a number of years in the classified grade structure and has resulted in a compression of positions in grade GS-15 of the Classification Act of 1949, as amended.

(b) At least 75 percent of the requested additional top positions represents the upgrading of existing GS-15 positions.

(c) Government functions are becoming more complex and many jobs are being affected by automation and revised management techniques. This has tended to increase the demand for top positions and, in turn, to reduce the number of positions in the lower Classification Act levels.

(d) Most of the requests for additional top level positions were based on anticipated needs over a period of 2 or more years.

EXPLANATION OF THE REPORTED BILL BY SECTIONS

TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

Section 101 of the bill enacts into law a statement of congressional policy regarding the authority and control over the allocation of positions in grades GS-16, GS-17, and GS-18—the so-called supergrades—of the Classification Act of 1949, as amended.

Subsection (a) emphasizes the authority of the Congress for an orderly control of supergrades, encompassed within the rules of the Senate and of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946.

Subsection (b) is a declaration of policy as to committee jurisdiction with respect to the allocation of additional numbers of supergrade positions under the Classification Act of 1949, as amended.

Section 102 amends certain provisions in section 505 of the Classification Act of 1949, as amended, which relate to the numerical limitations on positions in grades 16, 17, and 18 of the general schedule.

Subsection (a) deletes the numerical limitation in subsection (b) of such section 505 and substitutes an overall maximum of 1,929 on the number of positions which may be placed in grades GS-16, GS-17, and GS-18 and which may be allotted to the departments and agencies by a majority of the Civil Service Commissioners. The specific limitations on the numbers of positions which may be placed in grades GS-17 and GS-18 under subsection (b) are eliminated.

Subsection (b) of section 102, relating to the Department of Defense, amends subsection (j) of section 505 of the Classification Act of 1949 by increasing from 372 to 412 the number of positions which the Secretary of Defense is authorized to place in grades GS-16, GS-17, and GS-18.

Subsection (c) of section 102 authorizes the Federal Home Loan Bank Board, subject to the standards and procedures of the Classification Act, to place four positions in grades GS-16, GS-17, and GS-18.

The new limitation of 1,929 positions for allocation by the Civil Service Commission consists of (1) the present authorization of 1,108 positions in section 505(b); (2) the existing authorizations of 451 positions in special authorities which are repealed by other provisions of section 101 of the bill; and (3) 370 new positions—including 20 positions transferred to the Classification Act of 1949 from the Federal Executive Pay Act of 1956, as amended—for grades GS-16, GS-17, and GS-18.

Subsection (c) of section 102 also authorizes and directs the Civil Service Commission to withdraw from any department or agency a number of supergrade positions equal to the number which may be authorized by any act of the 87th Congress other than the positions authorized by this act.

Section 103 repeals the special authorizations contained in section 505 of the Classification Act of 1949 for the National Security Council (subsec. (f)); the Department of the Treasury (subsec. (k)); and the Interstate Commerce Commission (subsec. (1)). The specific authorizations which would remain in section 505 are those relating to the

Legislative Reference Service of the Library of Congress, the General Accounting Office, the Federal Bureau of Investigation, the Administrative Office of the U.S. Courts, the Immigration and Naturalization Service, the Department of Defense, and the Federal Home Loan Bank Board. With the exceptions of the Department of Defense and the Federal Home Loan Bank Board, as stated above, no change is made in the current numerical limitations in any of these authorities.

Section 103 of the bill also repeals 3 subsections of section 505 of the Classification Act of 1949 and 14 provisions of various appropriation acts and other laws which authorize the placing of positions in grades GS-16, GS-17, and GS-18. The number of spaces authorized by the repealed laws are included in the new limitation provided by H.R. 7377 for section 505(b) of the Classification Act of 1949. In addition to the provisions of law repealed, paragraph (7) of section 103 repeals subsection (b) of the first section of the act of September 23, 1959 (Public Law 86-377), relating to Department of Defense positions, since the immediate purpose for which the subsection was enacted has been accomplished.

Section 104 contains the savings provisions.

Subsection (a) of section 104 provides that changes in existing laws made by sections 102 and 103 shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation of such positions, and the incumbent thereof, his appointment and entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with title I.

Subsection (b) of section 104 of the bill provides that positions in grade GS-16, GS-17, or GS-18, as the case may be, of the general schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of section 103, shall remain, on and after such effective date, in their respective grades until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

Section 201 relates to the National Security Agency and amends section 2 of the act of May 29, 1959, to increase from 50 to 70 the number of officers and employees who may be paid under this authority at rates equal to rates of basic compensation contained in grades GS-16, GS-17, and GS-18 of the general schedule. This Agency, primarily for security reasons, was, and is, specifically excluded from the Classification Act of 1949.

Section 202 amends Public Law 313 approved August 1, 1947. This act authorized the secretaries of designated executive departments to establish and fix the compensation of a specified number of scientific or professional positions, each such position being established to effectuate those research and development functions of the respective departments which require the services of specially qualified personnel. The rates of compensation for positions under this act are in the range of \$12,500 to \$19,000 and are subject to approval of the U.S. Civil Service Commission. Except for increases in the numerical limitations on these positions in certain executive departments and the addition of a new authorization, the bill makes no substantive changes in other provisions of Public Law 313.

The numerical limitations are increased as follows: (1) The Department of the Interior from 5 to 8; (2) the Department of Agriculture from 15 to 20; (3) the Department of Health, Education, and Welfare from 10 to 13; and (4) the Department of Commerce from 25 to 30.

Section 202 also amends the first section of the act of August 1, 1947, by authorizing the Postmaster General to establish not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of the Department which require the services of specially qualified personnel. As is the case with other departments having authorizations under Public Law 313, approval of the U.S. Civil Service Commission as to qualifications of appointees and rates of compensation would be required.

Section 202 also amends sections 2 and 3 of the act of August 1, 1947, to restate in simpler but more direct language the present provisions of that act relating to inclusion of positions covered in the competitive services, approval of qualifications of appointees by the Civil Service Commission, rates of compensation (not less than \$12,500 nor more than \$19,000, as at present), and their approval by the Civil Service Commission, reduction in number of positions under certain circumstances, and the submission of reports to the Congress.

Section 203 amends section 1581(a) of title 10 of the United States Code to increase from 450 to 535 the number of civilian positions in the Department of Defense established to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense that require the services of specially qualified scientists or professional personnel.

Section 204, relating to the National Security Agency, amends section 4 of the act of May 29, 1959, by increasing from 50 to 60 the number of civilian positions involving research and development functions which require the services of specially qualified scientific or professional personnel and which may be established by the Secretary of Defense in the National Security Agency.

Section 205(a), relating to the Federal Aviation Agency, amends section 302(h) of the Federal Aviation Act of 1958 to increase from 15 to 20 the number of positions of a scientific or professional nature each of which is established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific and professional personnel.

Subsection (b) of section 205 amends section 302(f) of the Federal Aviation Act of 1958 to increase from 10 to 20 the number of positions which may be established under that section and compensated at not to exceed \$19,500 per annum.

Section 206(a), relating to the National Aeronautics and Space Administration, amends section 203(b)(2) of the National Aeronautics and Space Act of 1958 to increase from 290 to 355 the number of scientific, engineering, and administrative personnel which the Administrator may appoint and whose rates of compensation he may fix up to a limit of \$19,000 a year. Subsection (b) requires an annual report to the Congress on such positions and their incumbents.

TITLE III—REALIGNMENT OF COMPENSATION OF CERTAIN POSITIONS
UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE
PAY ACT OF 1956

Section 301, together with section 303, is intended to cover under the Classification Act of 1949 positions up to and including the rank of bureau head which now are paid at salary rates of \$17,000 to \$18,000 under provisions of the Federal Executive Pay Act of 1956, as amended, or similar provisions of other statutes. The determination of whether a high-level position is to be paid under the Federal Executive Pay Act of 1956 and like provisions or whether it is to be covered by the Classification Act of 1949 has not been based on any established principle. Some positions of bureau heads, for example, are paid under the Federal Executive Pay Act of 1956. Others, equally important, are covered by the Classification Act of 1949.

Proposed action on positions now paid at \$18,000 or less under the Federal Executive Pay Act of 1956 is based on the general premises that the Classification Act pay system is appropriate for positions up to and including those of bureau heads or of approximately equivalent rank and that a special statute, like the Federal Executive Pay Act of 1956, is appropriate for positions of heads of departments and agencies and their deputies and assistants.

This distinction, which is reasonably clear, reflects the difference between the mainly operational functions of bureaus and the primarily policy functions of heads of agencies, and is supported by current language of the Classification Act of 1949.

Subsection (a) of section 301 removes from section 107(a) of the Federal Executive Pay Act of 1956 specified positions of heads of bureaus or comparable organizational units in the executive branch. Many positions of similar level and stature are currently under the Classification Act of 1949. These positions would be placed under that act as provided for in section 107 of the bill. The incumbents in those positions ascertained to be of grade GS-18 level would, of course, be paid the appropriate salary for that grade (\$18,500); in any event, no present incumbent would be reduced in compensation as long as he remains in the same position.

Subsection (b) of section 301 amends section 107(b) of the Federal Executive Pay Act of 1956 by removing the position of Treasurer of the United States from the scope of that act as described above. For many years, this position was under the Classification Act of 1949. [Section 302 provides conforming changes in the Farm Credit Act of 1953, as amended, the Federal Executive Pay Act of 1956, as amended, the Legislative Reorganization Act of 1946, as amended, and section 4201 of title 18 of the United States Code. This action will restore the parity of compensation with grade GS-18 which existed prior to enactment of the Federal Employees Salary Increase Acts of 1958 and 1960 and will afford equitable treatment to the positions at these levels retained in the Federal Executive Pay Act of 1956 and the Legislative Reorganization Act of 1946.

Subsection (a) of section 302 applies to the three positions of Deputy Governor of the Farm Credit Administration.

Subsection (b) applies to the eight members of the Board of Parole in the Department of Justice.

Subsection (c) applies to the chief of staff of the Joint Committee on Internal Revenue Taxation.

Subsection (d) applies to the Deputy Director of the Administrative Office of the U.S. Courts.

Subsection (e) applies to the Architect of the Capitol and to the Assistant Architect of the Capitol.

Subsection (f) of section 302 amends and modifies section 202(e) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(e)), as amended by section 4(o) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462).

Such section 202(e), as so amended by such section 4(o), now contains the maximum per annum basic compensation rates for professional and clerical staff members of the standing committees of the House. The amount of such maximum basic rates is now \$8,880.

Subsection (f) increases such maximum basic rates to the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended, as in effect from time to time. This maximum rate is the highest rate of the general schedule of such act.

In effect, the amendments contained in subsection (f) propose a new maximum annual salary limitation or ceiling for House standing committee professional and clerical staff members by permitting the establishment by appropriate authority of a total annual rate of compensation which is not in excess of the highest rate of the general schedule of the Classification Act of 1949, as amended. If, in the future, a change occurs in such maximum rate of the Classification Act of 1949, as amended, the maximum annual salary limitation or ceiling for professional and clerical staff members of the standing committees of the House will change accordingly so that such salary limitation or ceiling will be fixed at all times at such maximum rate.

It should be noted that section 202(e) of the Legislative Reorganization Act of 1946, as amended by section 4(o) of the Federal Employees Salary Increase Act of 1958, and as proposed to be further amended by the new subsection (f) of section 302 of this bill, applies only with respect to professional and clerical staff members of the standing committees of the House of Representatives.

The provisions of law which apply with respect to the standing committee staff members of the Senate are the provisions of section 202(e) of the Legislative Reorganization Act of 1946, as in effect immediately prior to the amendment of such section 202(e) by section 12 of the Legislative Appropriation Act, 1956, and as modified by the provisions of the last paragraph under the heading "Senate" and the subheading "Contingent Expenses of the Senate" contained in the Legislative Appropriation Act, 1956, as amended by section 4(h) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 208; Public Law 85-462; 2 U.S.C. 72a, note). Neither the new subsection (f) nor any other provision of this bill changes or otherwise affects this divided application of section 202(e) of the Legislative Reorganization Act of 1946 with respect to the House and the Senate.

Subsection (g) of section 302 amends clause 28(c) of rule XI of the Rules of the House of Representatives which contains provisions to the same effect as section 202(e) of the Legislative Reorganization Act of 1946 with respect to the maximum per annum basic compensation which may be paid to staff members of House standing committees.

The amendments made by subsection (g) to the Rules of the House increases the maximum per annum basic compensation limitation to

the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended.

These amendments are consistent with the amendments proposed by subsection (f) to section 202(e) of the Legislative Reorganization Act of 1946.

However, in order to make it clear that the constitutional rights and prerogatives of the House of Representatives are not affected in any way, subsection (g) also provides that the amendments to clause 28(c) of rule XI of the House rules are made as an exercise of the rule-making power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule so amended, at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

In summary, two observations may be made about the new subsections (f) and (g):

First, the amendments made by these subsections do not in and of themselves provide increases in the per annum rates of compensation of the professional staff members of the standing committees of the House. The amendments do make it possible, however, by increasing the maximum salary limitation or ceiling for such staff members, for the appropriate authority to grant adjustments in the compensation of such staff members in accordance with the new maximum salary limitation or ceiling.

Second, the amendments proposed by the new subsections (f) and (g) have no application with respect to the staff members of the standing committees of the Senate.

Section 303 proposes to combine the three lowest pay levels of the Federal Executive Pay Act of 1956, as amended, into two pay levels, and to increase the present \$17,000 rate to \$18,000 and the present \$17,500 and \$18,000 rates to \$18,500. This action more properly will align the compensation of positions being retained under the Federal Executive Pay Act of 1956 with the compensation of positions in grade GS-18 of the general schedule of the Classification Act of 1949, which is now \$18,500.

Subsection (a) of section 303 repeals section 106(c) of the Federal Executive Pay Act of 1956 which has a compensation rate of \$18,000. The position coverage of the section to be repealed is limited to the three Commissioners of the Indian Claims Commission. Other provisions of section 303 place these positions in section 107(a) of the Federal Executive Pay Act of 1956.

Subsection (b) of section 303 amends two provisions of section 107(a) of the Federal Executive Pay Act of 1956. Paragraph (1) increases the \$17,500 pay level to \$18,500. The rate of \$17,500 was equal to that of grade GS-18 immediately prior to enactment of the Federal Employees Salary Increase Act of 1960 and the increase to \$18,500 simply restores the pay relationship which previously existed. Paragraph (2) adds a new paragraph, "(24) Commissioner of the Indian Claims Commission (3)," to the list of positions covered in section 107(a) of the Federal Executive Pay Act of 1956.

Subsection (c) of section 303 amends section 107(b) of the Federal Executive Pay Act of 1956 by increasing from \$17,000 to \$18,000 the per annum rate of compensation payable to the positions covered by that section. The result will be an annual rate of compensation

\$500 less than the present rate for grade GS-18. This restores the previously existing pay relationship with grade GS-18. This entire subsection will apply to the very limited number of positions to be retained in these levels of the Federal Executive Pay Act of 1956 after the transfer of most of the positions at these levels to coverage under the Classification Act of 1949.

Subsection (d) of section 303 amends section 105 of title 3 of the United States Code by increasing from \$17,500 to \$18,500 the maximum rate of compensation which the President is authorized to fix for three secretaries or other immediate staff assistants in the White House Office.

Section 304 provides that the positions specifically identified or referred to in subsections (a) through (f) of section 105 shall be placed in grades of the general schedule of the Classification Act of 1949 in accordance with the usual standards and procedures of that act. The majority of the positions involved are currently compensated under the Federal Executive Pay Act of 1956. The section also provides that the incumbents of the positions moved to the Classification Act of 1949 shall continue to receive the rate of basic compensation that they were receiving immediately prior to the effective date of this section so long as they remain in the same positions or until a higher rate of basic compensation is authorized by law. Thus, the compensation of incumbents of positions placed in grade GS-18 will receive the salary of that grade when such change is effected. When an incumbent leaves one of the positions involved and it becomes vacant, any subsequent appointee will receive the appropriate compensation for the position.

TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

Section 401 increases by 40 the number of positions the Postmaster General may assign to positions in salary levels 17, 18, 19, and 20 of the postal field service schedule.

Cost

The increased direct salary cost of this bill as estimated by the Civil Service Commission is between \$3 and \$4 million per year.

AGENCY REPORTS

The request of the U.S. Civil Service Commission for this legislation and the report of the Postmaster General are as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 14, 1961.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: We are submitting with this letter, for the consideration of the Congress, proposed legislation which would increase the number of top career positions in the Federal pay structure, make certain minimum salary adjustments in the Federal Executive Pay Act and revise the method of compensating hearing examiners

under the Administrative Procedure Act. There are enclosed a draft bill, a section analysis of the bill, and a statement of justification.

Limitations set by law on the number of top positions in the Federal pay structure are hampering the Government's ability to plan and manage the broad array of Federal programs. New and changing demands in these programs cannot be met within these rigid limitations. Department and agency heads are handicapped in their search for top-level talent through the absence of available top-level positions.

Grave inequities are imposed on Federal administrators and scientists whose responsibilities fully meet the criteria established by Congress for the top grades of the Classification Act of 1949 but who cannot receive the rate of compensation to which they are justly entitled because of rigid restrictions on the number of positions in these grades.

To bring objective evidence to bear on this issue, the President directed a survey of the needs of all Federal departments and agencies for additional top positions under the Classification Act and Public Law 313-type statutes. The Commission has evaluated these identified needs to verify the justification for the grade level requested. This survey and evaluation convincingly demonstrated the urgent need for the additional positions which the bill would authorize: 578 positions in Classification Act grades GS-16, 17, and 18; 203 scientific positions under Public Law 313 and similar statutes; and 20 positions of Classification Act type under a special authority of the National Security Agency. One hundred of these additional Classification Act positions would, under the bill, be held in reserve and used only upon the determination of initial need by the President. A number of separate authorities for positions in grades GS-16, 17, and 18 would be repealed and consolidated by the bill.

This bill also proposes the removal of sublimitations on the number of positions in grades GS-17 and 18. This would enable the Commission, within the total number of positions authorized for the three grades, to place a position in grade GS-16, 17, or 18 as indicated by its duties and responsibilities and without regard to the number already placed in the individual grade.

I wish to emphasize strongly that these additions to existing quotas of top positions represent pressing needs of the entire executive branch that have been identified as the result of critical review. They represent a modest though significant approach to a serious management problem in many Federal agencies.

The draft bill also makes minimum salary adjustments in the Federal Executive Pay Act in order to restore in part the salary relationships with the Classification Act which existed for several years prior to enactment of the Federal Employees Salary Increase Act of 1960. Because salary rates of the Federal Executive Pay Act were not also revised, the incongruous situation exists where the heads of certain agencies and bureaus receive less salary than do some of their subordinates under the Classification Act.

In accordance with the message transmitted by the President on April 13 regarding regulatory agencies, this bill includes a proposal for a revised method for compensating hearing examiners under the Administrative Procedure Act. Provision for this change appears in title II and would resolve a problem that has troubled the Congress and the executive branch for many years. Experience has proved that classifying positions of hearing examiners under the Classifica-

tion Act is unsatisfactory. Therefore, we recommend that hearing examiner positions be removed from the Classification Act and placed in a separate two-grade system.

The Bureau of the Budget advises that enactment of the recommended bill will be consistent with the administration's objectives.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 19, 1961.

HON. JAMES C. DAVIS,
*Chairman, Subcommittee on Manpower Utilization,
Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: There have been inquiries about the position of the Civil Service Commission with respect to the request to the Congress for additional excepted positions to be used by the National Aeronautics and Space Administration. Section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended, provides 290 positions for which the Administrator may establish and fix the compensation without regard to the Classification Act, at rates up to \$19,000 except for 13 positions which may be paid up to \$21,000 per annum. I understand that these positions have proved vital to the National Aeronautics and Space Administration in establishing the initial leadership for the organization and direction of the civilian space program.

In preparation for the submission of the administration's bill, H.R. 7377, to increase the total Government-wide number of positions which may be paid in the higher salary levels, our office obtained an estimate of new excepted position requirements from the National Aeronautics and Space Administration. An additional 50 such positions, making a total of 340 in all, were included in section 206 of H.R. 7377, representing the requirements which the Kennedy administration believed would be required in order to carry out the program then envisioned in the President's revised budget request for 1962 amounting to \$1,235 million.

On May 25, 1961, President Kennedy submitted to the Congress his recommendation that this country launch a major effort to step up its program of space exploration and especially accelerate developments leading toward a successful manned lunar landing and return to earth. His recommendations now involve a 60-percent increase in the immediate funds for the program and a requirement for growth in the staffing of the NASA of 25 percent. In the light of these proposals it has been necessary to reevaluate the excepted position requirements for the National Aeronautics and Space Administration. The result is that the Bureau of the Budget, after consultation with the NASA and this Commission, decided to request an increase of 135 excepted positions rather than the 50 previously proposed. Within the 135 would be 17 positions which could be paid up to \$21,000. Because these increased requirements are directly linked to the President's recommendations for increased funding of the space pro-

gram, it was considered best to request this increased authority for excepted positions as a part of H.R. 6874, the NASA authorization bill covering fiscal year 1962 appropriations. The likelihood of its early consideration and action by the Congress may, therefore, obviate the need for similar action on H.R. 7377.

The Civil Service Commission has in the past been reluctant to support interim or piecemeal approaches which satisfy high level executive and technical salary problems on an individual agency basis without regard to the total governmental structure. In this situation, however, the Civil Service Commission participated fully in the discussions and I have agreed that this is a satisfactory legislative approach in order to bring before the Congress this matter for early consideration. I do not believe that the addition of these positions, as requested by the administration, will restrict our continuing efforts to find Government-wide solutions to other problems of executive and top level technical salaries.

I am taking the liberty of sending a similar letter to Senator Robert S. Kerr, chairman of the Committee on Aeronautical and Space Sciences.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., July 17, 1961.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In replying to your letter of June 26, I want to express my appreciation for the opportunity to set forth the requirements of the Postal Establishment for positions at the super-grade level.

I particularly welcome this opportunity because our intensive review of policies, programs, and organization—incident to the change in administration—has pointed up rather sharply a serious handicap in the area of high-level compensation in both the departmental and field services of the Postal Establishment.

As you know, postal positions of the type under discussion are controlled basically under two separate legislative authorities:

1. The Classification Act of 1949, as amended, in the case of positions in the departmental headquarters. Our grade GS-16, 17, and 18 positions are allocated from the general allotment of 1108 such positions administered by the Civil Service Commission. The Post Office Department has been provided 47 of those positions. In addition there is one position below subcabinet rank for which a specific statutory pay rate has been established (Chief Postal Inspector, \$19,000 per annum).

2. The Postal Field Service Compensation Act of 1955, as amended, in the case of field service positions. Our PFS-18, 19, and 20 positions are generally equivalent in pay to the GS-16 and 17 positions under the Classification Act. Under existing law there may not be more than 31 positions in PFS-18, 19, and 20. We have no field positions equivalent in pay to GS-18. As a matter of interest, section 3301 of title 39, United States Code, also establishes a limit of not to

exceed 40 positions in salary level PFS-17, which has a pay range generally equivalent to GS-15.

Thus, of some 4,000 or 5,000 civilian positions in the Federal service below subcabinet level with starting pay rates in excess of the top rate of grade GS-15, the Postal Establishment has 79.

This Department has requested 24 additional supergrade spaces of the Civil Service Commission, and a number of adjustments as between grades GS-16, 17, and 18 so as to provide more equitable pay treatment within the supergrade category. If approved, this will give the Post Office Department a total of 71 positions in grades GS-16, 17, and 18. I think you will agree that the request is modest. Several position descriptions are attached, to illustrate the kinds of executive positions we have requested for placement in those grades.

The situation is summarized as follows:

	Authorized	Added spaces needed	Total
GS-18.....	7	6	13
GS-17.....	9	8	17
GS-16.....	31	10	41
Total.....	47	24	71

I do not know to what extent H.R. 7377 includes provision for the additional spaces requested by this Department. Presumably, the number assigned to this Department by the Commission will depend largely on the additional number made available to the Commission by legislation.

We have also asked that legislative authority be sought for payment of four positions under the provisions of Public Law 313 (act of August 1, 1947, as amended). I understand that H.R. 7377 includes provision for three of the four positions requested. All four positions are in the Department's Office of Research and Engineering, presently headed by a well-qualified scientist in grade GS-18. This Department has no Public Law 313 positions at the present time.

Our additional requirements in the field service are twofold:

(1) Restoration of the pay relationship between the top postal field service grade (PFS-20) and the top Classification Act grade (GS-18), with conforming adjustments in the rates for PFS-17, 18, and 19 to relieve the serious compression in those levels, and

(2) Repeal of the restrictions in section 3301 of title 39, United States Code, on the number of persons who may be assigned to salary levels PFS-17, 18, 19, and 20. As compared with the existing limit of 40 in PFS-17, 12 in PFS-18, 4 in PFS-19, and 15 in PFS-20, we find a need for up to 85 in level 17, 25 in level 18, 15 in level 19, and 25 in level 20. However, to afford the necessary administrative latitude in accommodating to the inevitable growth in the postal service, it is suggested that outright repeal of section 3301 is fully justified.

It may be pertinent to mention here that the field service limitations were established in mid-1955, when postal employment was approximately 511,000. There are now 575,000 postal employees.

The restrictions in section 3301 have forced the ranking of a considerable number of positions in lower salary levels than their duties

and responsibilities justify. For example, the Miami postmaster's position has warranted placement in level PFS-17 since 1957, yet the Miami postmaster must still be paid at the PFS-16 rate. Inspectors in charge, managers of internal audit offices, and numerous others are similarly undergraded.

The inadequacy of pay in top-level positions in the field service is perhaps best illustrated in the case of the New York City postmaster, who is responsible for the efficient operation of a post office that processes more mail than all of Canada, has nearly 40,000 employees, and has postal receipts of over \$200 million a year. This official, whose personnel complement is larger than that of any one of 4 major departments of the Government, has a top basic pay rate of \$17,095 a year.

The postmaster of Washington, D.C., has a pay range which extends to \$16,965 a year. He is responsible for an office of nearly \$30 million a year in receipts, with approximately 7,000 employees, serving three quarters of a million people in and around the Nation's Capital. The pay rate for his position has been increased less than 55 percent in the last 18 years. For many years prior to 1949 it was above the maximum Classification Act rate. It is now \$1,500 below the maximum Classification Act rate.

Numerous other large city postmasters, with up to several thousand employees, with office revenues and expenditures ranging between \$10 and \$25 million a year, and serving populations in the hundreds of thousands on a 24-hour-a-day, 7-day-a-week basis, are paid no more than the GS-15 employee elsewhere in the Federal service.

Again, I appreciate the opportunity to furnish this information. I hope that it will be helpful to the committee in its consideration of the overall requirements of the Government for additional positions at supergrade and related salary levels. If there is any additional information or assistance I can provide, please to not hesitate to call upon me.

Sincerely yours,

J. EDWARD Day,
Postmaster General.

CHANGES IN EXISTING LAW PROPOSED TO BE MADE BY THE BILL, AS INTRODUCED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Classification Act of 1949, as Amended

* * * * *

TITLE II—COVERAGE AND EXEMPTIONS

SEC. 201. (a) * * *

* * * * *

SEC. 202. This Act (except title XII) shall not apply to—

(1) * * *

* * * * *

(34) examiners-in-chief and designated examiners-in-chief in the Patent Office in the Department of Commerce [.];

(35) Temporary positions in the Bureau of the Census established under section 23 of title 13, United States Code, and enumerator positions in the Bureau of the Census [.]; and

(36) *Examiners appointed under section 11 of the Administrative Procedure Act, as amended (5 U.S.C. 1010).*

* * * * *

TITLE V—AUTHORITY AND PROCEDURE

* * * * *

SEC. 505. (a) No position shall be placed in grade 16, 17, or 18 of the General Schedule except by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) Subject to subsections (c), (d), [and (e)] (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed [fourteen hundred and nine] *two thousand and ninety-six*) which may be in grades 16, 17, and 18 of the General Schedule at any one time [, except that under such authority such maximum number of positions shall not exceed three hundred and sixty-three for grade 17 and one hundred and fifty-two for grade 18]; *except that of such positions one hundred shall be so classified initially only if and to the extent that the President determines that a need for such positions exists.*

(c) The number of positions of senior specialists in the Legislative Reference Service of the Library of Congress allocated to grades 16, 17, and 18 of the General Schedule by reason of the proviso contained in section 203(b)(1) of the Legislative Reorganization Act of 1946 (60 Stat. 836; 2 U.S.C., sec. 166(b)(1) shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(d) The Comptroller General of the United States is authorized, subject to the procedures prescribed by this section, to place a total of twenty-five positions in the General Accounting Office in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(e) The Director of the Federal Bureau of Investigation, United States Department of Justice, is authorized, without regard to any other provision in this section, to place a total of seventy-five positions in the Federal Bureau of Investigation in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the

number of positions authorized to be placed in such grades by subsection (b).

[(f) The National Security Council is authorized, subject to the procedures prescribed by this section, to place two additional positions in grade 18, one additional position in grade 17, and two additional positions in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).]

(f) The Director of the Administrative Office of the United States Courts is authorized to place a total of four positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(g) The Commissioner of Immigration and Naturalization is authorized to place a total of eleven positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government to place additional positions in grade 16, 17, or 18, the total number of positions authorized by this section to be placed in such grades shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by such provisions to be placed in such grades. Such reduction shall be deemed to have occurred in the following order: first, from any number specifically authorized for such agency under this section, and second, from the maximum number of positions authorized to be placed in such grades under subsection (b) irrespective of the agency to which such positions are allocated.

(i) Appointments to positions in grades 16, 17, and 18 of the General Schedule shall be made only upon approval by the Civil Service Commission of the qualifications of the proposed appointees, except that this subsection shall not apply to those positions—

(1) provided for in subsection (e) of this section;

(2) to which appointments are made by the President alone or by the President by and with the advice and consent of the Senate;

(3) for which the compensation is paid from (A) appropriations for the Executive Office of the President under the headings "The White House Office", "Special Projects", "Council of Economic Advisers", "National Security Council", "Office of Defense Mobilization", and "President's Advisory Committee on Government Organization", or (B) funds appropriated to the President under the heading "Emergency Fund for the President, National Defense" by the General Government Matters Appropriation Act, 1959, or any subsequent Act making appropriations for such purposes; and

(4) to which appointments are made by the Librarian of Congress.

(j) The Secretary of Defense is authorized, subject to the standards and procedures prescribed by this Act, to place a total of [three hundred seventy-two] *four hundred twenty-two* positions in the Department of Defense in grades 16, 17, and 18 of the General Schedule.

[(k) The Secretary of the Treasury (or his designee for the purpose) is authorized, subject to the standards and procedures prescribed

by this Act, to place a total of two hundred and sixty positions in the Department of the Treasury in grades 16, 17, and 18 of the General Schedule, as follows:

[(1) not more than one hundred and eighty-four such positions shall be in such grades during the period beginning on the date of enactment of this subsection and ending on June 30, 1960;

[(2) not more than two hundred and twenty-two such positions shall be in such grades during the period beginning on July 1, 1960, and ending on June 30, 1961; and

[(3) not more than two hundred and sixty such positions shall be in such grades on and after July 1, 1961.

[(1) The Interstate Commerce Commission is authorized, subject to the standards and procedures prescribed by this Act, to place a total of two positions in grade 18, ten positions in grade 17, and thirteen positions in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).]

Sections 202(b), 302(h), and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742, 746, and 747; 49 U.S.C. 1322(b), 1343(f), and 1343(h))

* * * * *

TITLE II—CIVIL AERONAUTICS BOARD: GENERAL POWERS OF BOARD

* * * * *

MISCELLANEOUS

OFFICERS AND EMPLOYEES

SEC. 202. (a) * * *

* * * * *

[SUPERGRADES

[(b) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Board is authorized to place not to exceed eight positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505, the number of positions allocated to the Board under such section, and the number of positions authorized for the Board by Public Law 85-469 (72 Stat. 237). The number of positions authorized for the Board by Public Law 85-469 shall not cause a reduction in total number of positions under section 505(h) of the Classification Act of 1949, as amended.]

* * * * *

TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR

* * * * *

ORGANIZATION OF AGENCY

DEPUTY ADMINISTRATOR

SEC. 302. (a) * * *

* * * * *

SCIENTIFIC EMPLOYEES

(h) The Administrator is authorized to establish and fix the compensation for not to exceed **[fifteen]** *twenty* positions of officers and employees of the Agency of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, and Title V of the Act of July 31, 1956 (Public Law 854, Eighty-fourth Congress), and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

* * * * *

[SUPERGRADES

[(j) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Administrator is authorized to place not to exceed fifty positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to (1) the number of positions authorized to be placed in such grades by such section 505 and (2) the number of positions transferred to the Agency under section 1502 of this Act which were (A) allocated under such section 505 to the Civil Aeronautics Administration of the Department of Commerce, (B) authorized for the Airways Modernization Board by Public Law 85-133 (71 Stat. 350), or (C) authorized for the Civil Aeronautics Administration by Public Law 85-469 (72 Stat. 228). The number of positions authorized for the Civil Aeronautics Administration by Public Law 85-469 shall not cause a reduction in total number of positions under section 505(h) of the Classification Act of 1949, as amended.**]**

The fourth sentence of section 10(b)4 of the Railroad Retirement Act of 1937 (72 Stat. 1781; Public Law 85-927; 45 U.S.C. 228j)

* * * * *

4. * * * [For purposes of its administration of this Act or the Railroad Unemployment Insurance Act, or both, the Board may hereafter place, without regard to the numerical limitations contained in section 505 of the Classification Act of 1949, as amended, four positions in grade GS-16 of the General Schedule established by that Act, four positions in grade GS-17 of such schedule, and one position in grade GS-18 of such schedule.] * * *

The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; Public Law 85-536; 15 U.S.C. 634(a))

* * * * *

SEC. 5. (a) The Administration shall have power to adopt, alter, and use a seal, which shall be judicially noticed. The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act; to define their authority and duties; to provide bonds for them in such amounts as the Administrator shall determine; and to pay the costs of qualification of certain of them as notaries public. The Administration, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself on a reimbursable or nonreimbursable basis of the use of information, services, facilities (including any field service thereof), officers, and employees thereof, in carrying out the provisions of this Act. [Subject to the standards and procedures under section 505 of the Classification Act of 1949, as amended, not to exceed fifteen positions in the Administration may be placed in grades 16, 17, and 18 of the General Schedule established by that Act, and any such positions shall be additional to the number authorized by such section.]

Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669)

FUNCTIONS, DUTIES, AND POWERS

SEC. 205. (a) Subject to the provisions of this title, the Agency—

* * * * *

[(11) may, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, place not to exceed five positions in grades 16, 17, or 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505;]

The proviso in the paragraph under the heading "Federal Power Commission" and the subheading "Salaries and Expenses" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626)

* * * * *

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, \$7,663,500, of which not to exceed \$10,000 shall be available for special counsel and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates not exceeding \$50 per diem for individuals: *Provided*, That the Commission is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place six General Schedule positions in the following grades: four in grade GS-18, one in grade GS-17, and one in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act.]

The Last Paragraph Under the Heading "General Services Administration" in Title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress)

GENERAL SERVICES ADMINISTRATION

* * * * *

[The Administrator is authorized, without regard to the Classification Act of 1949, as amended, to place ten positions, in addition to those otherwise authorized in Grade GS-16 in the General Schedule established by said Act.]

The Second Proviso in the Paragraph Under the Heading "Civil Aeronautics Administration" and Under the Subheading "Operation and Regulation" in Title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; Public Law 85-469; 49 U.S.C. 1343, note)

* * * * *

CIVIL AERONAUTICS ADMINISTRATION

OPERATION AND REGULATION

For necessary expenses of the Civil Aeronautics Administration in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 401), and other Acts incident to the enforcement of safety regulations, maintenance and operation of air navigation and air traffic control facilities, and disposal of surplus airports and administering instruments of disposal; planning, research, and

administrative expenses for carrying out the provisions of the Federal Airport Act of May 13, 1946, as amended, including furnishing advisory services to States and other public and private agencies in connection with the construction or improvement of airports and landing areas; developmental work and service testing as tends to the creation of improved air navigation facilities, including landing areas, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, and acquisition of sites for such activities by lease or grant; purchase of not to exceed forty passenger motor vehicles for replacement only; purchase of not to exceed two aircraft; hire of aircraft (not exceeding \$675,000); operation and maintenance of not to exceed one hundred and twelve aircraft; fees and mileage of expert and other witnesses; and purchase and repair of skis and snowshoes; \$230,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, and other public authorities for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That the Administrator is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act].

The proviso in the paragraph under the heading "Civil Aeronautics Board" and under the subheading "Salaries and Expenses" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; Public Law 85-469; 49 U.S.C. 1322, note)

* * * * *

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including contract stenographic reporting services; employment of temporary guards on a contract or fee basis; salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (one for replacement only), hire, operation, maintenance, and repair of aircraft; expenses of attendance at meetings of organizations concerned with the activities of this appropriation; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$50 per diem; \$6,050,000: *Provided*, That the Chairman is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act].

First Sentence of Section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; Public Law 85-322; 10 U.S.C. 1581, Note)

* * * * *

SEC. 601. In order to more effectively administer the programs relating to advanced research activities the Secretary of Defense may authorize the creation of fifteen positions in the professional and scientific service in accordance with the provisions of Public Law 313, Eightieth Congress, as amended [], and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended []. These positions shall be in addition to those now authorized by law.

Section 3 of Reorganization Plan Numbered 1 of 1958, Effective July 1, 1958 (23 Federal Register 4991)

* * * * *

SEC. 3. *Regional directors.*—There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title “Regional Director”, as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Civil and Defense Mobilization, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended [] except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105) [].

The Paragraph Under the Heading “Commodity Credit Corporation” in Chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; Public Law 219, Eighty-fourth Congress; 15 U.S.C. 714h, Note)

[COMMODITY CREDIT CORPORATION]

[For the purpose of assisting the Commodity Credit Corporation in selling its agricultural commodities, the position of sales manager is hereby authorized in grade 17 of the General Schedule of the Classification Act of 1949, as amended, in accordance with the standards and procedures of that Act.]

Section 302 of the Act of July 31, 1956 (70 Stat. 743; Public Law 854, Eighty-fourth Congress; 5 U.S.C. 517c)

[SEC. 302. The positions of three Deputy Administrators of the Agricultural Research Service, Department of Agriculture, shall be in grade GS-18 of the General Schedule established by the Classification Act of 1949, as amended. Such positions shall be in addition to

the number of positions authorized to be placed in such grade by section 505(b) of such Act.】

The First Paragraph of Section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167)

SEC. 205. After August 31, 1957, 【the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act;】 the salary of the Administrator of the Southwestern Power Administration shall be the same as the salary of the Administrator of the Bonneville Power Administration, so long as held by the present incumbent; and the salary of the Administrative Assistant Secretary of the Department of the Interior shall be the same as the Solicitor of the Department of the Interior.

Section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; Public Law 1024, Eighty-fourth Congress; 16 U.S.C. 742b(a))

SEC. 3. (a) There is hereby established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife, and the position of Commissioner of Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate. He shall receive compensation at the same rate as that provided for Grade GS-18. There is also established a United States Fish and Wildlife Service within the Department, consisting of two separate agencies, each of which shall have the status of a Federal bureau. There shall be a Director of each of said Bureaus appointed by the Secretary 【at Grades GS-17 each】. One of the agencies shall be known as the "Bureau of Commercial Fisheries" and the other agency shall be known as the "Bureau of Sport Fisheries and Wildlife". The United States Fish and Wildlife Service, except as prescribed by this Act, shall succeed to and replace the presently existing Fish and Wildlife Service of the Department.

Sections 2 and 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36)

ACT OF MAY 29, 1959

* * * * *

SEC. 2. The Secretary of Defense (or his designee for the purpose) is authorized to establish such positions, and to appoint thereto such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic compensation for such positions shall be fixed by the Secretary of Defense (or his designee for the purpose) in relation to the rates

of basic compensation contained in the General Schedule of the Classification Act of 1949, as amended, for positions subject to such Act which have corresponding levels of duties and responsibilities. Except as provided in section 4 of this Act, no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule. Not more than **[fifty]** *seventy* such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.

* * * * *

SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to establish in the National Security Agency not more than **[fifty]** *sixty* civilian positions involving research and development functions, which require the services of specially qualified scientific or professional personnel, and fix the rates of basic compensation for such positions at rates not in excess of the maximum rate of compensation authorized by section 1581(b) of title 10, United States Code, as amended by paragraph (34)(B) of the first section of the Act of September 2, 1958 (72 Stat. 1456; Public Law 85-861).

The Act of August 1, 1947 (Public Law 313, Eightieth Congress), As Amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That (a)] ¹ * * *

[(b)] ¹ * * *

[(c)] The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the Civil Service Commission.] ²

[(d) The] *That (a) the* Secretary of the Interior is authorized to establish and fix the compensation for not more than **[five]** *ten* scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(e)] (b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than **[fifteen]** *twenty* scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(f)] (c) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than **[ten]** *fifteen* scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

¹ Subsection (a) relating to positions established by the Secretary of Defense is obsolete by enactment of section 1581 of Title 10 of the United States Code. Subsection (b) has been superseded by Public Law 85-568 which abolished the National Advisory Committee for Aeronautics and transferred its functions to the National Aeronautics and Space Administration.

² This subsection, in effect, has not been repealed, but has been redesignated as subsection (b) of section 2.

[(g)] (d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than [twenty-five] *thirty* scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(h)] In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.³

(e) *The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.*

SEC. 2. (a) Positions created pursuant to this Act shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

(b) *The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.*⁴

(c) *In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.*⁵

SEC. 3. The [Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare,] *head of each department authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in [the National Military Establishment, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare,] his department during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance [where the secretary] in which any such de-*

³ This subsection, in effect, has not been repealed but has been redesignated as subsection (c) of section 2.

⁴ Formerly subsection (c) of the first section. See footnote 2.

⁵ Formerly subsection (h) of the first section. See footnote 3.

partment head may consider full public report on these items detrimental to the national [security] *security, such department head* is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate.

Section 1581 of Title 10 of the United States Code

§ 1581. APPOINTMENT: PROFESSIONAL AND SCIENTIFIC SERVICES

(a) The Secretary of Defense may establish not more than [four hundred fifty] *five hundred sixty-five* civilian positions in the Department of Defense to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense that require the services of specially qualified scientists or professional personnel.

(b) Subject to the Civil Service Commission's approval as to rates, the Secretary may fix the compensation for positions established under subsection (a). However, the compensation may not be less than \$12,500 or more than \$19,000 a year.

Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; Public Law 85-568; 42 U.S.C. 2473(b)(2))

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. (a) * * *

(b) In the performance of its functions the Administration is authorized—

* * * * *

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of \$19,000 a year, or up to a limit of \$21,000 a year for a maximum of thirteen positions) of not more than [two hundred and ninety] *three hundred and forty* of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

Section 205(b) of the Mutual Security Act of 1954 (72 Stat. 264; Public Law 85-477; 22 U.S.C. 1875(b))

SEC. 205. (a) * * *

(b) There shall be a Managing Director of the Fund who shall be the chief executive officer of the Fund, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, and whose compensation shall be at a rate of \$20,000 a year. There shall also be a Deputy Managing Director of the Fund, whose compensation shall be at a rate not in excess of \$19,000 a year, and four other officers of the Fund, whose titles shall be determined by the Board [and whose compensation shall be at a rate not in excess of \$18,000 per year]. Appointment to the offices provided for in the preceding sentence shall be by the Board. The Managing Director, in his capacity as chief executive officer of the Fund, the Deputy Managing Director and the other officers of the Fund shall perform such functions as the Board may designate and shall be subject to the supervision and direction of the Board. During the absence or disability of the Managing Director or in the event of a vacancy in the office of Managing Director, the Deputy Managing Director shall act as Managing Director, or, if the Deputy Managing Director is also absent or disabled or the office of Deputy Managing Director is vacant, such other officer as the Board may designate shall act as Managing Director. The offices provided for in this subsection shall be in addition to positions otherwise authorized by law.

Sections 106(c) and 107 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(c), 2206)

SEC. 106. (a) * * *

* * * * *

[(c) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be \$18,000.]

[(1) Commissioner of the Indian Claims Commission (3).]

SEC. 107. (a) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be ~~[\$17,500]~~ \$18,500.

(1) Administrator, Agricultural Research Service, Department of Agriculture.⁶

[(2) Administrator, Bonneville Power Administration.]

[(3) Administrator, Farmers' Home Administration.]

[(4) Administrator, Soil Conservation Service, Department of Agriculture.]

(5) Assistant Architect of the Capitol.

(6) Deputy Director of the Administrative Office of the United States Courts.

(7) Associate Director of the Federal Mediation and Conciliation Service.

(8) Chief Assistant Librarian of Congress.

⁶ Section 3(c) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370), removed the position of Administrator, Agricultural Research Service, Department of Agriculture, from the purview of section 107(a) of the Federal Executive Pay Act of 1956 which provides annual compensation of \$17,500. The annual compensation of such position is now \$19,000 as one of the positions covered by subsection (e) of the first section of the Act of August 1, 1947, as amended by section 4(a) of such Act of September 23, 1959 (73 Stat. 651; Public Law 86-370).

[(9) Chief Forester of the Forest Service, Department of Agriculture.]

[(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.]

[(11) Commissioner of Customs.]

[(12) Commissioner, Federal Supply Service, General Services Administration.]

(13) Commissioner of Immigration and Naturalization.⁷

[(14) Commissioner of Narcotics.]

[(15) Commissioner, Public Buildings Service.]

[(16) Commissioner of Public Roads.]

[(17) Commissioner of Reclamation.]

(18) Commissioner of Social Security.⁸

(19) Deputy Administrator of the Saint Lawrence Seaway Development Corporation.

(20) Deputy Commissioner of the Internal Revenue Service.⁹

(21) Deputy Public Printer.

[(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture.]

[(23) Director of Coal Research, Department of the Interior.]

(24) *Commissioner of the Indian Claims Commission* (3).

(b) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be **[\$17,000]** *\$18,000*.

(1) Deputy Administrator, Small Business Administration (3).

[(2) Treasurer of the United States.]

Section 303(a) of title 23 of the United States Code

§ 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. **[The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.]**

⁷ The annual compensation of the Commissioner of Immigration and Naturalization is currently \$20,000. See 72 Stat. 251; Public Law 85-474; 5 U.S.C. 2206, note.

⁸ The position of Commissioner of Social Security was included within the \$20,000 salary level of section 106(a) of the Federal Executive Pay Act of 1956 by section 3(a) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370).

⁹ The position of Deputy Commissioner of the Internal Revenue Service was removed from the purview of the \$17,500 salary provision of section 107(a) of the Federal Executive Pay Act of 1956 by section 3(c) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370) and brought within the purview of the \$19,000 annual salary provision of section 106(b) of the Federal Executive Pay Act of 1956 by section 3(b) of such Act of September 23, 1959.

Section 5(d) of the Farm Credit Act of 1953 (73 Stat. 387; Public Law 86-168; 12 U.S.C. 636d(d))

SEC. 5. (a) * * *

* * * * *

(d) The Governor shall appoint such other personnel as may be necessary to carry out the functions, powers, and duties vested in the Farm Credit Association[: *Provided*, That the salary of not more than three positions of deputy governor shall each be fixed by the Board at a rate not exceeding \$17,500 per annum]. The Farm Credit Administration shall consist of the Board, the Governor, and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration. All functions, powers, and duties of the Farm Credit Administration, except those herein conferred upon the Board, shall be exercised and performed by the Governor and may be exercised and performed by him through such officers and employees of the Farm Credit Administration as he shall designate.

Section 4201 of Title 18, United States Code

* * * * *

Chapter 311.—PAROLE

Sec.

4201. Board of Parole; members[: salaries].

4202. Prisoners eligible.

4203. Application and release; terms and conditions.

4204. Aliens.

4205. Retaking parole violator under warrant; time to serve undiminished.

4206. Officer executing warrant to retake parole violator.

4207. Revocation upon retaking parolee.

4208. Fixing eligibility for parole at time of sentencing.

4209. Young adult offenders.

§ 4201. Board of Parole; members[: salaries]

There is hereby created in the Department of Justice a Board of Parole to consist of eight members to be appointed by the President, by and with the advice and consent of the Senate. [The annual rate of basic compensation of each member of the Board shall be \$17,500.] The members of the Board first appointed under this section shall be appointed for terms as follows: Two for two years, two for three years, two for four years, and two for six years, respectively, from the effective date of this section. The term of office of a successor to any member shall expire six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member of the Board shall continue to act until his successor shall have been appointed and qualified. The Attorney General shall from time to time designate one of its members to serve as Chairman of said Board and delegate to him the necessary administrative duties and responsibilities.

Section 105 of Title 3 of the United States Code

§ 105. Compensation of secretaries and executive, administrative, and staff assistants to President.

The President is authorized to fix the compensation of the six administrative assistants authorized to be appointed under section 106 of this title, of the Executive Secretary of the National Security Council, and of eight other secretaries or other immediate staff assistants in the White House Office, as follows: Two at rates not exceeding \$22,500 per annum, three at rates not exceeding \$21,000 per annum, seven at rates not exceeding \$20,000 per annum, and three at rates not exceeding **[\$17,500]** \$18,500 per annum.

Section 11 of the Administrative Procedure Act

[EXAMINERS

[SEC. 11. Subject to the civil-service and other laws to the extent not inconsistent with this Act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1923, as amended, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 7 of said Act, as amended, and the provisions of section 9 of said Act, as amended, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpoena witnesses or records, and pay witness fees as established for the United States courts.]

EXAMINERS

SEC. 11. (a) Subject to the civil service and other laws to the extent not inconsistent with this Act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8. Examiners shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners.

(b) Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the United States Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof.

(c) *Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies.*

(d) *Examiners employed by the Department of Agriculture, the Department of Labor, the Federal Maritime Board in the Department of Commerce, the Atomic Energy Commission, the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, the National Labor Relations Board, the Securities and Exchange Commission, the Subversive Activities Control Board, the Post Office Department, the Office of Alien Property in the Department of Justice, and the Federal Reserve System shall receive compensation at a rate equal to the maximum scheduled rate prescribed for grade GS-16 by the Classification Act of 1949, as amended. All other examiners shall receive compensation at a rate equal to the maximum scheduled rate prescribed for grade GS-14 by the Classification Act of 1949, as amended. Agencies having ten or more examiners may designate one examiner as the chief examiner to have the administrative management responsibility for the hearings program of the agency. The examiner so designated to exercise this responsibility shall receive \$500 per annum in addition to his compensation as an examiner.*

(e) *For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports (including an annual report to the Congress), promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpoena witnesses or records, and pay witness fees as established for the United States courts.*

Section 2(b) of the Performance Rating Act of 1950, as amended (5 U.S.C. 2001)

SEC. 2. (a) * * *

(b) This Act shall not apply to—

* * * * *

(13) *Civilian officers and members of crews of vessels operated by the Department of the Army and the Department of the Navy* **[.]** ; and

(14) *Examiners appointed under section 11 of the Administrative Procedure Act, as amended (5 U.S.C. 1010).*

CHANGES IN EXISTING LAW PROPOSED TO BE MADE BY THE BILL, AS REPORTED

For the information of the Members of the House, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Section 505 of the Classification Act of 1949, As Amended

SEC. 505. (a) No position shall be placed in grade 16, 17, or 18 of the General Schedule except by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) Subject to subsections (c), (d), [and (e)] (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed [fourteen hundred and nine] *nineteen hundred and forty-two*) which may be in grades 16, 17, and 18 of the General Schedule at any one time [, except that under such authority such maximum number of positions shall not exceed three hundred and sixty-three for grade 17 and one hundred and fifty-two for grade 18].

(c) The number of positions of senior specialists in the Legislative Reference Service of the Library of Congress allocated to grades 16, 17, and 18 of the General Schedule by reason of the proviso contained in section 203(b)(1) of the Legislative Reorganization Act of 1946 (60 Stat. 836; 2 U.S.C., sec. 166(b)(1)) shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(d) The Comptroller General of the United States is authorized, subject to the procedures prescribed by this section, to place a total of twenty-five positions in the General Accounting Office in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

(e) The Director of the Federal Bureau of Investigation, United States Department of Justice, is authorized, without regard to any other provision in this section, to place a total of seventy-five positions in the Federal Bureau of Investigation in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

[(f) The National Security Council is authorized, subject to the procedures prescribed by this section, to place two additional positions in grade 18, one additional position in grade 17, and two additional positions in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).]

(f) The Director of the Administrative Office of the United States Courts is authorized to place a total of four positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(g) The Commissioner of Immigration and Naturalization is authorized to place a total of eleven positions in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).

(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government to place additional positions in grade 16, 17, or 18, the total number of positions authorized by this section to be placed in such grades shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by such provisions to be placed in such grades. Such reduction shall be deemed to have occurred in the following order: first, from any number specifically authorized for such agency under this section, and second, from the maximum number of positions authorized

to be placed in such grades under subsection (b) irrespective of the agency to which such positions are allocated.

(i) Appointments to positions in grades 16, 17, and 18 of the General Schedule shall be made only upon approval by the Civil Service Commission of the qualifications of the proposed appointees, except that this subsection shall not apply to those positions—

(1) provided for in subsection (e) of this section;

(2) to which appointments are made by the President alone or by the President by and with the advice and consent of the Senate;

(3) for which the compensation is paid from (A) appropriations for the Executive Office of the President under the headings "The White House Office", "Special Projects", "Council of Economic Advisers", "National Security Council", "Office of Defense Mobilization", and "President's Advisory Committee on Government Organization", or (B) funds appropriated to the President under the heading "Emergency Fund for the President, National Defense" by the General Government Matters Appropriation Act, 1959, or any subsequent Act making appropriations for such purposes; and

(4) to which appointments are made by the Librarian of Congress.

(j) The Secretary of Defense is authorized, subject to the standards and procedures prescribed by this Act, to place a total of [three hundred seventy-two] *four hundred twelve* positions in the Department of Defense in grades 16, 17, and 18 of the General Schedule.

[(k) The Secretary of the Treasury (or his designee for the purpose) is authorized, subject to the standards and procedures prescribed by this Act, to place a total of two hundred and sixty positions in the Department of the Treasury in grades 16, 17, and 18 of the General Schedule, as follows:

[(1) not more than one hundred and eighty-four such positions shall be in such grades during the period beginning on the date of enactment of this subsection and ending on June 30, 1960;

[(2) not more than two hundred and twenty-two such positions shall be in such grades during the period beginning on July 1, 1960, and ending on June 30, 1961; and

[(3) not more than two hundred and sixty such positions shall be in such grades on and after July 1, 1961.

[(l) The Interstate Commerce Commission is authorized, subject to the standards and procedures prescribed by this Act, to place a total of two positions in grade 18, ten positions in grade 17, and thirteen positions in grade 16 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).]

(m) *The Federal Home Loan Bank Board is authorized, subject to the standards and procedures prescribed by this Act, to allocate a total of not more than four positions among grades 16, 17, and 18 of the General Schedule in such manner as the Board may determine. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).*

(n) *In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18, the Commission is authorized and*

directed to withdraw from such agency the allocations of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allocated to such agency and in the light of the number of such additional positions authorized under such Act of Congress.

Sections 202(b), 302(f), 302(h), and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742, 746, and 747; 49 U.S.C. 1322(b), 1343(d), 1343(f), and 1343(h))

* * * * *

TITLE II—CIVIL AERONAUTICS BOARD: GENERAL POWERS OF BOARD

* * * * *

MISCELLANEOUS

OFFICERS AND EMPLOYEES

SEC. 202. (a) * * *

* * * * *

[SUPERGRADES

[(b) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Board is authorized to place not to exceed eight positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505, the number of positions allocated to the Board under such section, and the number of positions authorized for the Board by Public Law 85-469 (72 Stat. 237). The number of positions authorized for the Board by Public Law 85-469 shall not cause a reduction in total number of positions under section 505(h) of the Classification Act of 1949, as amended.]

* * * * *

TITLE III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR

* * * * *

ORGANIZATION OF AGENCY

DEPUTY ADMINISTRATOR

SEC. 302. (a) * * *

* * * * *

OFFICERS AND EMPLOYEES

(f) The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the com-

compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties, except that the Administrator may fix the compensation for not more than **[ten]** *twenty* positions at rates not to exceed \$19,500 per annum.

* * * * *

SCIENTIFIC EMPLOYEES

(h) The Administrator is authorized to establish and fix the compensation for not to exceed **[fifteen]** *twenty* positions of officers and employees of the Agency of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, and Title V of the Act of July 31, 1956 (Public Law 854, Eighty-fourth Congress), and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

* * * * *

[SUPERGRADES

[j] Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Administrator is authorized to place not to exceed fifty positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to (1) the number of positions authorized to be placed in such grades by such section 505 and (2) the number of positions transferred to the Agency under section 1502 of this Act which were (A) allocated under such section 505 to the Civil Aeronautics Administration of the Department of Commerce, (B) authorized for the Airways Modernization Board by Public Law 85-133 (71 Stat. 350), or (C) authorized for the Civil Aeronautics Administration by Public Law 85-469 (72 Stat. 228). The number of positions authorized for the Civil Aeronautics Administration by Public Law 85-469 shall not cause a reduction in total number of positions under section 505(h) of the Classification Act of 1949, as amended.]

The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; Public Law 85-536; 15 U.S.C. 634(a))

* * * * *

SEC. 5. (a) The Administration shall have power to adopt, alter, and use a seal, which shall be judicially noticed. The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, em-

ployees, attorneys, and agents as shall be necessary to carry out the provisions of this Act; to define their authority and duties; to provide bonds for them in such amounts as the Administrator shall determine; and to pay the costs of qualification of certain of them as notaries public. The Administration, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself on a reimbursable or nonreimbursable basis of the use of information, services, facilities (including any field service thereof), officers, and employees thereof, in carrying out the provisions of this Act. [Subject to the standards and procedures under section 505 of the Classification Act of 1949, as amended, not to exceed fifteen positions in the Administration may be placed in grades 16, 17, and 18 of the General Schedule established by that Act, and any such positions shall be additional to the number authorized by such section.]

Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669)

FUNCTIONS, DUTIES, AND POWERS

SEC. 205. (a) Subject to the provisions of this title, the Agency—

* * * * * *

[(11) may, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, place not to exceed five positions in grades 16, 17, or 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505;]

The proviso in the paragraph under the heading “Federal Power Commission” and the subheading “Salaries and Expenses” in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626)

* * * * * *

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, \$7,663,500, of which not to exceed \$10,000 shall be available for special counsel and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates not exceeding \$50 per diem for individuals: *Provided*, That the Commission is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place six General Schedule positions in the following grades: four in grade GS-18, one in grade GS-17, and one in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act].

The last paragraph under the heading "General Services Administration" in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress)

GENERAL SERVICES ADMINISTRATION

* * * * *

【The Administrator is authorized, without regard to the Classification Act of 1949, as amended, to place ten positions, in addition to those otherwise authorized in Grade GS-16 in the General Schedule established by said Act.】

The second proviso in the paragraph under the heading "Civil Aeronautics Administration" and under the subheading "Operation and Regulation" in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; Public Law 85-469; 49 U.S.C. 1343, note)

* * * * *

CIVIL AERONAUTICS ADMINISTRATION

OPERATION AND REGULATION

For necessary expenses of the Civil Aeronautics Administration in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 401), and other Acts incident to the enforcement of safety regulations, maintenance and operation of air navigation and air traffic control facilities, and disposal of surplus airports and administering instruments of disposal; planning, research, and administrative expenses for carrying out the provisions of the Federal Airport Act of May 13, 1946, as amended, including furnishing advisory services to States and other public and private agencies in connection with the construction or improvement of airports and landing areas; developmental work and service testing as tends to the creation of improved air navigation facilities, including landing areas, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, and acquisition of sites for such activities by lease or grant; purchase of not to exceed forty passenger motor vehicles for replacement only; purchase of not to exceed two aircraft; hire of aircraft (not exceeding \$675,000); operation and maintenance of not to exceed one hundred and twelve aircraft; fees and mileage of expert and other witnesses; and purchase and repair of skis and snowshoes; \$230,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, and other public authorities for expenses incurred in the maintenance and operation of air navigation facilities【: *Provided further*, That the Administrator is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act】.

The proviso in the paragraph under the heading "Civil Aeronautics Board" and under the subheading "Salaries and Expenses" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; Public Law 85-469; 49 U.S.C. 1322, note)

* * * * *

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including contract stenographic reporting services; employment of temporary guards on a contract or fee basis; salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (one for replacement only), hire, operation, maintenance, and repair of aircraft; expenses of attendance at meetings of organizations concerned with the activities of this appropriation; hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$50 per diem; \$6,050,000: *Provided*, That the Chairman is authorized, subject to the procedures prescribed in the Classification Act of 1949, as amended, but without regard to the numerical limitations contained therein, to place ten General Schedule positions in the following grades: one in grade GS-18, two in grade GS-17, and seven in grade GS-16; and such positions shall be in addition to positions previously allocated to this agency under section 505 of said Act.]

Subsection (b) of the First Section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, Note; Public Law 86-377)

[(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective numbers of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective numbers of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act.]

First Sentence of Section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; Public Law 85-322; 10 U.S.C. 1581, note)

* * * * *

SEC. 601. In order to more effectively administer the programs relating to advanced research activities, the Secretary of Defense may authorize the creation of fifteen positions in the professional and scientific service in accordance with the provisions of Public Law 313,

Eightieth Congress, as amended], and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended]. These positions shall be in addition to those now authorized by law.

Section 3 of Reorganization Plan Numbered 1 of 1958, effective July 1, 1958 (23 Federal Register 4991)

* * * * *

SEC. 3. *Regional directors.*—There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title “Regional Director”, as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Civil and Defense Mobilization, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended [except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105)].

The paragraph under the heading “Commodity Credit Corporation” in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; Public Law 219, Eighty-fourth Congress; 15 U.S.C. 714h, note)

[COMMODITY CREDIT CORPORATION

[For the purpose of assisting the Commodity Credit Corporation in selling its agricultural commodities, the position of sales manager is hereby authorized in grade 17 of the General Schedule of the Classification Act of 1949, as amended, in accordance with the standards and procedures of that Act.]

Section 302 of the Act of July 31, 1956 (70 Stat. 743; Public Law 854, Eighty-fourth Congress; 5 U.S.C. 517c)

[SEC. 302. The positions of three Deputy Administrators of the Agricultural Research Service, Department of Agriculture, shall be in grade GS-18 of the General Schedule established by the Classification Act of 1949, as amended. Such positions shall be in addition to the number of positions authorized to be placed in such grade by section 505(b) of such Act.]

The first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167)

SEC. 205. After August 31, 1957, [the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act;] the salary of the Administrator of the Southwestern Power Administration shall be the same as the salary of the Administrator of the Bonneville Power Administration, so long as held by the present incumbent; and the salary of the Administrative Assistant Secretary of the Department of the Interior shall be the same as the Solicitor of the Department of the Interior.

Section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; Public Law 1024, Eighty-fourth Congress; 16 U.S.C. 742b(a))

SEC. 3. (a) There is hereby established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife, and the position of Commissioner of Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate. He shall receive compensation at the same rate as that provided for Grade GS-18. There is also established a United States Fish and Wildlife Service within the Department, consisting of two separate agencies, each of which shall have the status of a Federal bureau. There shall be a Director of each of said Bureaus appointed by the Secretary [at Grades GS-17 each]. One of the agencies shall be known as the "Bureau of Commercial Fisheries" and the other agency shall be known as the "Bureau of Sport Fisheries and Wildlife". The United States Fish and Wildlife Service, except as prescribed by this Act, shall succeed to and replace the presently existing Fish and Wildlife Service of the Department.

Sections 2 and 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36)

ACT OF MAY 29, 1959

* * * * *

SEC. 2. The Secretary of Defense (or his designee for the purpose) is authorized to establish such positions, and to appoint thereto such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic compensation for such positions shall be fixed by the Secretary of Defense (or his designee for the purpose) in relation to the rates of basic compensation contained in the General Schedule of the Classification Act of 1949, as amended, for positions subject to such Act which have corresponding levels of duties and responsibilities. Except as provided in section 4 of this Act, no officer or employee of the

National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule. Not more than **[fifty]** *seventy* such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.

* * * * *

SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to establish in the National Security Agency not more than **[fifty]** *sixty* civilian positions involving research and development functions, which require the services of specially qualified scientific or professional personnel, and fix the rates of basic compensation for such positions at rates not in excess of the maximum rate of compensation authorized by section 1581(b) of title 10, United States Code, as amended by paragraph (34)(B) of the first section of the Act of September 2, 1958 (72 Stat. 1456; Public Law 85-861).

The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as Amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That (a)] ¹ * * *

[(b)] ¹ * * *

[(c)] The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the Civil Service Commission.] ²

[(d)] *That (a) the* Secretary of the Interior is authorized to establish and fix the compensation for not more than **[five]** *eight* scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(e)] *(b) The* Secretary of Agriculture is authorized to establish and fix the compensation for not more than **[fifteen]** *twenty* scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(f)] *(c) The* Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than **[ten]** *thirteen* scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(g)] *(d) The* Secretary of Commerce is authorized to establish and fix the compensation for not more than **[twenty-five]** *thirty*

¹ Subsection (a) relating to positions established by the Secretary of Defense is obsolete by enactment of section 1581 of Title 10 of the United States Code. Subsection (b) has been superseded by Public Law 85-568 which abolished the National Advisory Committee for Aeronautics and transferred its functions to the National Aeronautics and Space Administration.

² This subsection, in effect, has not been repealed, but has been redesignated as subsection (b) of section 2.

scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

[(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.]³

(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

SEC. 2. (a) Positions created pursuant to this Act shall be included in the [classified] competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

*(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.*⁴

*(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.*⁵

SEC. 3. The [Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare,] *head of each department authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in [the National Military Establishment, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare,] his department during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance [where the secretary] in which any such de-*

³ This subsection, in effect, has not been repealed but has been redesignated as subsection (c) of section 2.

⁴ Formerly subsection (c) of the first section. See footnote 2.

⁵ Formerly subsection (h) of the first section. See footnote 3.

partment head may consider full public report on these items detrimental to the national **[security]** *security, such department head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate.*

Section 1581 of Title 10 of the United States Code

§ 1581. APPOINTMENT: PROFESSIONAL AND SCIENTIFIC SERVICES

(a) The Secretary of Defense may establish not more than **[four hundred fifty]** *five hundred thirty-five* civilian positions in the Department of Defense to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense that require the services of specially qualified scientists or professional personnel.

(b) Subject to the Civil Service Commission's approval as to rates, the Secretary may fix the compensation for positions established under subsection (a). However, the compensation may not be less than \$12,500 or more than \$19,000 a year.

Section 202 of the Legislative Reorganization Act of 1946, as Amended (2 U.S.C. 72a(e))

(e) The professional staff members of the standing committees shall receive basic annual compensation, to be fixed by the chairman, ranging from \$5,000 to **[\$8,880]** *the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,* and the clerical staff shall receive basic annual compensation up to **[\$8,880]** *the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended.*

Clause 28(c) of Rule XI of the Rules of the House of Representatives

(c) The professional staff members of the standing committees shall receive annual compensation, to be fixed by the chairman ranging from \$5,000 to **[\$8,880]** *the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,* and the clerical staff shall receive annual compensation up to **[\$8,880]** *the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended.*

Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; Public Law 85-568; 42 U.S.C. 2473(b)(2))

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. (a) * * *

(b) In the performance of its functions the Administration is authorized—

* * * * *

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of \$19,000 a year, or up to a limit of \$21,000 a year for a maximum of thirteen positions) of not more than **[two hundred and ninety]** *three hundred and fifty-five* of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

Sections 106 and 107 of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205, 2206)

SEC. 106. (a) * * *

* * * * *

(b) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be \$19,000.

[(1) Architect of the Capitol.]

(2) Assistant to the Director of the Federal Bureau of Investigation.

(3) Commissioner of the United States Court of Claims (12).

(4) Governor of Alaska.⁶

(5) Governor of the Canal Zone.

(6) Governor of Guam.

(7) Governor of Hawaii.⁷

(8) Governor of the Virgin Islands.

(9) General counsel of a military department.

(10) Deputy Commissioner of the Internal Revenue Service.

(11) Chief Counsel of the Internal Revenue Service.

(12) Administrative Assistant Attorney General.

⁶ The Governor of Alaska is no longer subject to the Federal Executive Pay Act of 1956 because of the admission of Alaska as a State of the United States pursuant to the Act of July 7, 1958 (72 Stat. 339-352; Public Law 85-508).

⁷ The Governor of Hawaii is no longer subject to the Federal Executive Pay Act of 1956 because of the admission of Hawaii as a State of the United States pursuant to the Act of March 18, 1959 (73 Stat. 3-13; Public Law 86-3).

- (13) Administrative Assistant Secretary of the Interior.
- (14) Administrative Assistant Secretary of Agriculture.
- (15) Administrative Assistant Secretary of Labor.
- (16) Administrative Assistant Secretary of the Treasury.

[(c) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be \$18,000.]

- [(1) Commissioner of the Indian Claims Commission (3).]

SEC. 107. (a) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be ~~[\$17,500]~~ \$18,500.

(1) Administrator, Agricultural Research Service, Department of Agriculture.⁸

[(2) Administrator, Bonneville Power Administration.]

[(3) Administrator, Farmers' Home Administration.]

[(4) Administrator, Soil Conservation Service, Department of Agriculture.]

[(5) Assistant Architect of the Capitol.]

(6) Deputy Director of the Administrative Office of the United States Courts.

(7) Associate Director of the Federal Mediation and Conciliation Service.

(8) Chief Assistant Librarian of Congress.

[(9) Chief Forester of the Forest Service, Department of Agriculture.]

[(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.]

[(11) Commissioner of Customs.]

[(12) Commissioner, Federal Supply Service, General Services Administration.]

(13) Commissioner of Immigration and Naturalization.⁹

[(14) Commissioner of Narcotics.]

[(15) Commissioner, Public Buildings Service.]

[(16) Commissioner of Public Roads.]

[(17) Commissioner of Reclamation.]

(18) Commissioner of Social Security.¹⁰

(19) Deputy Administrator of the Saint Lawrence Seaway Development Corporation.

(20) Deputy Commissioner of the Internal Revenue Service.¹¹

(21) Deputy Public Printer.

[(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture.]

⁸ Section 3(c) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370), removed the position of Administrator, Agricultural Research Service, Department of Agriculture, from the purview of section 107(a) of the Federal Executive Pay Act of 1956 which provides annual compensation of \$17,500. The annual compensation of such position is now \$19,000 as one of the positions covered by subsection (e) of the first section of the Act of August 1, 1947, as amended by section 4(a) of such Act of September 23, 1959 (73 Stat. 651; Public Law 86-370).

⁹ The annual compensation of the Commissioner of Immigration and Naturalization is currently \$20,000. See 72 Stat. 251; Public Law 85-474; 5 U.S.C. 2206, note.

¹⁰ The position of Commissioner of Social Security was included within the \$20,000 salary level of section 106(a) of the Federal Executive Pay Act of 1956 by section 3(a) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370).

¹¹ The position of Deputy Commissioner of the Internal Revenue Service was removed from the purview of the \$17,500 salary provision of section 107(a) of the Federal Executive Pay Act of 1956 by section 3(c) of the Act of September 23, 1959 (73 Stat. 651; Public Law 86-370) and brought within the purview of the \$19,000 annual salary provision of section 106(b) of the Federal Executive Pay Act of 1956 by section 3(b) of such Act of September 23, 1959.

[(23) Director of Coal Research, Department of the Interior.]

(24) *Commissioner of the Indian Claims Commission* (3).

(b) The annual rate of basic compensation of each of the offices or positions listed in this subsection shall be **[\$17,000]** *\$18,000*.

(1) Deputy Administrator, Small Business Administration (3).

[(2) Treasurer of the United States.]

Section 303(a) of title 23 of the United States Code

§ 303. Bureau organization

(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Commissioner of Public Roads in the Bureau of Public Roads who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. **[The Commissioner of Public Roads shall receive basic compensation at the rate of \$17,500 per annum.]**

Section 5(d) of the Farm Credit Act of 1953 (73 Stat. 387; Public Law 86-168; 12 U.S.C. 636d(d))

SEC. 5. (a) * * *

* * * * *

(d) The Governor shall appoint such other personnel as may be necessary to carry out the functions, powers, and duties vested in the Farm Credit Association: *Provided*, That the salary of not more than three positions of deputy governor **[shall each]** *each shall* be fixed by the Board at a rate not exceeding **[\$17,500 per annum]** *the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended*. The Farm Credit Administration shall consist of the Board, the Governor, and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration. All functions, powers, and duties of the Farm Credit Administration, except those herein conferred upon the Board, shall be exercised and performed by the Governor and may be exercised and performed by him through such officers and employees of the Farm Credit Administration as he shall designate.

Section 4201 of Title 18, United States Code

* * * * *

Chapter 311.—PAROLE

Sec.

4201. Board of Parole; members [; salaries].

4202. Prisoners eligible.

4203. Application and release; terms and conditions.

4204. Aliens.

4205. Retaking parole violator under warrant; time to serve undiminished.

4206. Officer executing warrant to retake parole violator.

4207. Revocation upon retaking parolee.

4208. Fixing eligibility for parole at time of sentencing.

4209. Young adult offenders.

§ 4201. Board of Parole; members [; salaries]

There is hereby created in the Department of Justice a Board of Parole to consist of eight members to be appointed by the President, by and with the advice and consent of the Senate. [The annual rate of basic compensation of each member of the Board shall be \$17,500.] The members of the Board first appointed under this section shall be appointed for terms as follows: Two for two years, two for three years, two for four years, and two for six years, respectively, from the effective date of this section. The term of office of a successor to any member shall expire six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member of the Board shall continue to act until his successor shall have been appointed and qualified. The Attorney General shall from time to time designate one of its members to serve as Chairman of said Board and delegate to him the necessary administrative duties and responsibilities.

Section 105 of title 3 of the United States Code

§ 105. Compensation of secretaries and executive, administrative, and staff assistants to President.

The President is authorized to fix the compensation of the six administrative assistants authorized to be appointed under section 106 of this title, of the Executive Secretary of the National Security Council, and of eight other secretaries or other immediate staff assistants in the White House Office, as follows: Two at rates not exceeding \$22,500 per annum, three at rates not exceeding \$21,000 per annum, seven at rates not exceeding \$20,000 per annum, and three at rates not exceeding [\$17,500] \$18,500 per annum.

Section 3301 of Title 39, United States Code

ESTABLISHMENT OF POSITIONS

§ 3301. Personnel requirements

The Postmaster General shall determine the personnel requirements of the postal field service, and fix the number of supervisors and other employees in that service, except that there may not be at any one time more than—

- (1) one assistant postmaster employed at any post office;
- (2) 40 employees in positions assigned to salary level 17;
- (3) 12 employees in positions assigned to salary level 18;
- (4) four employees in positions assigned to salary level 19; or
- (5) 15 employees in positions assigned to salary level 20.

In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine.



Union Calendar No. 504

87TH CONGRESS
1ST SESSION

H. R. 7377

[Report No. 1170]

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 1961

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

SEPTEMBER 12, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 TITLE I—POSITIONS IN TOP GRADES OF CLASSI-
2 FICATION ACT OF 1949

3 CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY
4 WITH RESPECT TO TOP GRADES OF CLASSIFICATION
5 ACT OF 1949

6 SEC. 101. (a) *The Congress hereby finds that—*

7 (1) *the public interest requires that effective limita-*
8 *tions and controls be established and maintained with*
9 *respect to the allocation of positions—whether by law or*
10 *by administrative action—to grades 16, 17, and 18 of*
11 *the Classification Act of 1949—the so-called top grades*
12 *below the Federal executive level in the Government*
13 *service—in order to prevent the unwarranted allocation*
14 *of positions to such grades and to promote efficiency and*
15 *economy in the operation of the Government;*

16 (2) *one of the principal purposes of the Classifica-*
17 *tion Act of 1949, as originally enacted and as amended*
18 *from time to time, was, and continues to be, the establish-*
19 *ment and maintenance, by specific provisions of such Act,*
20 *of a coordinated and comprehensive authority and con-*
21 *trol over the allocation of positions to these top grades of*
22 *such Act;*

23 (3) *under the rules of the Senate and the rules of*
24 *the House of Representatives, as applicable, and the*

1 *Legislative Reorganization Act of 1946, the Committee*
2 *on Post Office and Civil Service of the Senate and the*
3 *Committee on Post Office and Civil Service of the House*
4 *of Representatives are vested with exclusive legislative*
5 *jurisdiction, and charged with the duty of exercising*
6 *legislative oversight and supervision, with respect to all*
7 *matters within the purview of the Classification Act of*
8 *1949 and the administration thereof, including the allo-*
9 *cation of positions to these top grades of such Act;*

10 (4) *this legislative authority, duty, and jurisdic-*
11 *tion of such committees, and the orderly and established*
12 *legislative processes of the Congress generally in this re-*
13 *spect, are being undermined by the increasing practice,*
14 *resulting from certain solicitations from individual de-*
15 *partments and agencies in the executive branch and else-*
16 *where, of allocating additional numbers of positions to*
17 *such top grades by means of appropriation Acts and*
18 *other laws and reorganization plans (other than the*
19 *Classification Act of 1949) which disregard the nu-*
20 *merical limitations or the standards and procedures, or*
21 *both, with respect to the allocation of positions to such*
22 *grades;*

23 (5) *at the present time, therefore, the pertinent*
24 *provisions of the Classification Act of 1949 do not re-*

1 *flect, even by approximation, the existing state of the*
2 *law with respect to the total number of positions which*
3 *may be allocated to the top grades of such Act; and*

4 *(6) this state of affairs subverts and undermines*
5 *the object and purpose of the Classification Act of 1949*
6 *with respect to the allocation of positions to such top*
7 *grades of such Act.*

8 *(b) It is, therefore, hereby declared to be the sense of*
9 *the Congress—*

10 *(1) that the matter of requesting the allocation of*
11 *additional numbers of positions to the top grades of the*
12 *Classification Act of 1949, whether by groups of positions*
13 *or on an individual basis, is properly within the jurisdic-*
14 *tion of those standing committees of the Senate and House*
15 *of Representatives having jurisdiction over the Classi-*
16 *fication Act of 1949 in accordance with orderly and*
17 *established legislative processes—the Committee on Post*
18 *Office and Civil Service of the Senate and the Committee*
19 *on Post Office and Civil Service of the House of Repre-*
20 *sentatives;*

21 *(2) that the Director of the Bureau of the Budget,*
22 *the United States Civil Service Commission, and other*
23 *authority designated by the President exercise to the full-*
24 *est extent the authority and responsibility of disapproving*
25 *requests of the departments and agencies in the executive*

branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

INCREASE IN NUMBER OF AUTHORIZED TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF 1949

SEC. ~~101~~ 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

“(b) Subject to subsections (c), (d), (e), (f), (g), and ~~(j)~~ (j), and (m) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not

1 to exceed ~~two thousand and ninety-six~~ *nineteen hundred and*
 2 *twenty-nine*) which may be in grades 16, 17, and 18 of the
 3 General Schedule at any one time; except that of such posi-
 4 tions one hundred shall be so classified initially only if and to
 5 the extent that the President determines that a need for such
 6 positions exists.” *time.*”.

7 (b) Subsection (j) of such section 505, as amended (5
 8 U.S.C. 1105 (j)), relating to positions authorized for the
 9 Department of Defense in grades 16, 17, and 18 of the Gen-
 10 eral Schedule of the Classification Act of 1949, is amended
 11 by striking out “three hundred seventy-two positions” and
 12 inserting in lieu thereof “~~four hundred twenty-two~~ *four hun-*
 13 *dred twelve* positions”.

14 (c) *Such section 505, as amended, is amended by adding*
 15 *at the end thereof the following new subsections:*

16 “(m) *The Federal Home Loan Bank Board is au-*
 17 *thorized, subject to the standards and procedures prescribed*
 18 *by this Act, to allot a total of not more than four positions in*
 19 *grades 16, 17, and 18 of the General Schedule. Such posi-*
 20 *tions shall be in addition to the number of positions authorized to*
 21 *be placed in such grades by subsection (b).*

22 “(n) *In any case in which, during the Eighty-seventh*
 23 *Congress, provisions are included in any Act of Congress*
 24 *(other than those contained in this Act) which authorize*
 25 *any agency of the Government to place additional positions*

1 *in grade 16, 17, or 18 of the General Schedule, the Com-*
 2 *mission is authorized and directed to withdraw from such*
 3 *agency the allotments of a number of positions (equal to*
 4 *the number of such additional positions authorized under*
 5 *such Act of Congress) made by the Commission for such*
 6 *agency out of the number of positions authorized by sub-*
 7 *section (b) of this section, to the extent possible in the light*
 8 *of the number of positions so allotted to such agency and*
 9 *in the light of the number of such additional positions*
 10 *authorized under such Act of Congress.”.*

11 CONFORMING CHANGES IN EXISTING LAW

12 SEC. ~~402~~ 103. The following provisions of law are hereby
 13 repealed:

14 (1) Subsections (f), (k), and (l) of section 505 of the
 15 Classification Act of 1949, as amended (5 U.S.C. 1105 (f),
 16 (k), and (l)), authorizing five positions, two hundred and
 17 sixty positions, and twenty-five positions in grades 16, 17,
 18 and 18 of the General Schedule of such Act for the National
 19 Security Council, the Department of the Treasury, and the
 20 Interstate Commerce Commission, respectively.

21 (2) Sections 202 (b) and 302 (j) of the Federal Avi-
 22 ation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C.
 23 1322 (b) and 1343 (h)), authorizing eight positions and
 24 seventy positions in grades 16, 17, and 18 of the General
 25 Schedule of the Classification Act of 1949 for the Civil Aero-

1 nautics Board and the Federal Aviation Agency, respec-
2 tively.

3 (3) The last sentence of section 5 (a) of the Small Bus-
4 iness Act (72 Stat. 385; 15 U.S.C. 634 (a)), authorizing
5 fifteen positions in grades 16, 17, and 18 of such General
6 Schedule for the Small Business Administration.

7 (4) Section 205 (a) (11) of the National Capital Trans-
8 portation Act of 1960 (74 Stat. 543; Public Law 86-669) ,
9 authorizing five positions in grades 16, 17, and 18 of such
10 General Schedule for the National Capital Transportation
11 Agency.

12 (5) The proviso in the paragraph under the heading
13 "FEDERAL POWER COMMISSION" and under the subheading
14 "SALARIES AND EXPENSES" in title I of the Independent
15 Offices Appropriation Act, 1961 (74 Stat. 429; Public Law
16 86-626) , authorizing six positions in grades 16, 17, and 18
17 of such General Schedule for the Federal Power Commission.

18 (6) The proviso in the paragraph under the heading
19 "CIVIL AERONAUTICS BOARD" and under the subheading
20 "SALARIES AND EXPENSES" in title III of the Department
21 of Commerce and Related Agencies Appropriation Act,
22 1959 (72 Stat. 237; 49 U.S.C. 1322, note) , authorizing
23 ten positions in such grades 16, 17, and 18 for the Civil
24 Aeronautics Board.

25 ~~(7) The fourth sentence of section 10(b)(4) of the~~

1 Railroad Retirement Act of 1937 (72 Stat. 1781; 45 U.S.C.
 2 228j(b) (4)), authorizing nine positions in such grades 16,
 3 17, and 18 for the Railroad Retirement Board.

4 (7) Subsection (b) of the first section of the Act of
 5 September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note;
 6 Public Law 86-377), containing certain provisions with re-
 7 spect to positions in such grades 16, 17, and 18 in the De-
 8 partment of Defense, which reads as follows:

9 “(b) The total number of positions authorized by section
 10 505(b) of the Classification Act of 1949, as amended (5
 11 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of
 12 the General Schedule of such Act at any time shall be deemed
 13 to have been reduced by the number of positions in such
 14 grades allocated to the Department of Defense immediately
 15 prior to the date of enactment of this Act. The respective
 16 numbers of positions authorized by such section 505(b) to
 17 be placed in grades 17 and 18 of such schedule at any one
 18 time shall be deemed to have been reduced by the respective
 19 numbers of positions in such grades allocated to the Depart-
 20 ment of Defense immediately prior to the date of enactment
 21 of this Act.”

22 (8) That part of the first sentence of section 601 of the
 23 Supplemental Defense Appropriation Act, 1958 (72 Stat.
 24 8; 10 U.S.C. 1581, note), authorizing the Secretary of De-

1 fense to place ten positions in such grades 16, 17, and 18,
2 which reads as follows: “, and to place ten positions in
3 grades 16, 17, or 18 of the General Schedule, in accordance
4 with the procedures prescribed in the Classification Act of
5 1949, as amended”.

6 (9) The last paragraph under the heading “GENERAL
7 SERVICES ADMINISTRATION” in title I of the Independent
8 Offices Appropriation Act, 1957 (70 Stat. 345; Public Law
9 623, Eighty-fourth Congress), authorizing ten positions in
10 grade 16 of the General Schedule of the Classification Act of
11 1949 for the General Services Administration.

12 (10) That part of the second sentence of section 3 of
13 Reorganization Plan Numbered 1 of 1958, effective July 1,
14 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not
15 to exceed ten positions of regional director of the regional
16 offices of the Office of Civil and Defense Mobiliza-
17 tion to receive compensation under the Classification Act
18 of 1949 without regard to the numerical limitations on posi-
19 tions in section 505 of such Act, which reads as follows:
20 “except that the compensation may be fixed without regard
21 to the numerical limitations on positions set forth in section
22 505 of the Classification Act of 1949, as amended (5 U.S.C.
23 1105) ”.

24 (11) The paragraph under the heading “COMMODITY
25 CREDIT CORPORATION” in chapter I of the Supplemental Ap-

1 appropriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h,
2 note), authorizing the position of sales manager in the Com-
3 modity Credit Corporation to be placed in grade 17 of the
4 General Schedule of the Classification Act of 1949.

5 (12) Section 302 of the Act of July 31, 1956 (70 Stat.
6 743; 5 U.S.C. 517c), authorizing three positions of Deputy
7 Administrator of the Agricultural Research Service, Depart-
8 ment of Agriculture, to be placed in grade 18 of such Gen-
9 eral Schedule.

10 (13) That part of the first paragraph of section 205 of
11 the Public Works Appropriation Act, 1958 (71 Stat. 423;
12 Public Law 85-167), which reads as follows: "the position
13 of Administrator of the Southeastern Power Administration
14 shall be in grade GS-18 of the Classification Act of 1949, as
15 amended, but without regard to the numerical limitation con-
16 tained in section 505 of said Act;"

17 (14) That part of the sixth sentence of section 3 (a)
18 of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16
19 U.S.C. 742b (a)), authorizing the position of Director of the
20 Bureau of Commercial Fisheries, and of Director of the
21 Bureau of Sport Fisheries and Wildlife, United States Fish
22 and Wildlife Service, Department of the Interior, to be
23 placed in grade 17 of the General Schedule of the Classifica-
24 tion Act of 1949, which reads: "at Grades GS-17 each".

25 (15) The second proviso in the paragraph under the

1 heading "CIVIL AERONAUTICS ADMINISTRATION" and un-
2 der the subheading "OPERATION AND REGULATION" in title
3 I of the Department of Commerce and Related Agencies
4 Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343,
5 note), authorizing ten positions in grades 16, 17, and 18 of
6 the General Schedule of the Classification Act of 1949.

7 SAVINGS PROVISIONS

8 SEC. ~~103~~ 104. (a) The changes in existing law made by
9 sections ~~101 and 102~~ 102 and 103 of this title shall not af-
10 fect any position existing immediately prior to the effective
11 date of such changes in existing law, the compensation at-
12 tached to such position, and any incumbent thereof, his ap-
13 pointment thereto, and his entitlement to receive the compen-
14 sation attached thereto, until appropriate action is taken in
15 accordance with this title.

16 (b) Positions in grades 16, 17, or 18, as the case may
17 be, of the General Schedule of the Classification Act of
18 1949, as amended, immediately prior to the effective date
19 of this section, shall remain, on and after such effective date,
20 in their respective grades, until appropriate action is taken
21 under section 505 of the Classification Act of 1949 as in
22 effect on and after such effective date.

1 TITLE II—SCIENTIFIC AND PROFESSIONAL
2 POSITIONS AND POSITIONS OF A SECURITY
3 NATURE

4 INCREASE IN NUMBER OF POSITIONS OF A SECURITY NA-
5 TURE IN THE NATIONAL SECURITY AGENCY UNDER THE
6 ACT OF MAY 29, 1959

7 SEC. 201. Section 2 of the Act of May 29, 1959 (73
8 Stat. 63; Public Law 86-36), authorizing the Secretary of
9 Defense to establish positions in the National Security
10 Agency, is amended by striking out "Not more than fifty
11 such officers and employees shall be paid basic compensation
12 at rates equal to rates of basic compensation contained in
13 grades 16, 17, and 18 of such General Schedule." and in-
14 serting in lieu thereof the following: "Not more than seventy
15 such officers and employees shall be paid basic compensation
16 at rates equal to rates of basic compensation contained in
17 grades 16, 17, and 18 of such General Schedule."

18 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
19 POSITIONS UNDER THE ACT OF AUGUST 1, 1947 (PUB-
20 LIC LAW 313, EIGHTIETH CONGRESS)

21 SEC. 202. ~~(a)~~ The Act of August 1, 1947 (Public

1 Law 313, Eightieth Congress), as amended (5 U.S.C.
2 1161-1163), is amended to read as follows:

3 “That (a) the Secretary of the Interior is authorized to
4 establish and fix the compensation for not more than ~~ten~~ *eight*
5 scientific or professional positions in the Department of the
6 Interior, each such position being established to effectuate
7 those research and development functions of such depart-
8 ment which require the services of specially qualified
9 personnel.

10 “(b) The Secretary of Agriculture is authorized to
11 establish and fix the compensation for not more than twenty
12 scientific or professional positions in the Department of
13 Agriculture, each such position being established to effectuate
14 those research and development functions of such depart-
15 ment which require the services of specially qualified
16 personnel.

17 “(c) The Secretary of Health, Education, and Welfare
18 is authorized to establish and fix the compensation for not
19 more than ~~fifteen~~ *thirteen* scientific or professional positions
20 in the Department of Health, Education, and Welfare, each
21 such position being established to effectuate those research
22 and development functions of such department which require
23 the services of specially qualified personnel.

24 “(d) The Secretary of Commerce is authorized to estab-
25 lish and fix the compensation for not more than thirty

1 scientific or professional positions in the Department of
2 Commerce, of which not less than five shall be for the
3 United States Patent Office in its examining and related
4 activities, each such position being established to effectuate
5 those research and development functions of such depart-
6 ment which require the services of specially qualified per-
7 sonnel.

8 “(e) The Postmaster General is authorized to establish
9 and fix the compensation for not more than three scientific or
10 professional positions in the Post Office Department, each
11 such position being established to effectuate those research
12 and development functions of such Department which require
13 the services of specially qualified personnel.

14 “SEC. 2. (a) Positions created pursuant to this Act shall
15 be included in the ~~classified~~ *competitive* civil service of the
16 United States, but appointments to such positions shall be
17 made without competitive examination upon approval of
18 the proposed appointee’s qualifications by the United States
19 Civil Service Commission or such officers and agents as the
20 Commission may designate for this purpose.

21 “(b) The rates of compensation for positions established
22 pursuant to the provisions of this Act shall not be less than
23 \$12,500 per annum nor more than \$19,000 per annum and
24 shall be subject to the approval of the United States Civil
25 Service Commission.

1 “(c) In any case in which, subsequent to February 1,
2 1958, provisions are included in a general appropriation
3 Act authorizing an agency of the Government referred to in
4 this Act to establish and fix the compensation of scientific or
5 professional positions similar to those authorized by this Act,
6 the number of such positions authorized by this Act shall,
7 unless otherwise expressly provided, be deemed to have been
8 reduced by the number of positions authorized by the provi-
9 sions of such appropriation Act.

10 “SEC. 3. The head of each department authorized to
11 establish and fix the compensation of positions under this
12 Act shall submit to the Congress, not later than December
13 31 of each year, a report setting forth the number of posi-
14 tions established pursuant to this Act in his department
15 during that calendar year, and the name, rate of compensa-
16 tion, and description of the qualifications of each incumbent,
17 together with a statement of the functions performed by each.
18 In any instance in which any such department head may con-
19 sider full public report on these items detrimental to the
20 national security, such department head is authorized to omit
21 such items from his annual report and, in lieu thereof, to
22 present such information in executive sessions of such com-

1 mittees of the Senate and House of Representatives as the
 2 presiding officers of those bodies shall designate.”

3 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
 4 POSITIONS IN DEPARTMENT OF DEFENSE UNDER SEC-
 5 TION 1581(a) OF TITLE 10, UNITED STATES CODE

6 SEC. 203. Section 1581 (a) of title 10 of the United
 7 States Code, authorizing the Secretary of Defense to estab-
 8 lish not more than four hundred fifty scientific and pro-
 9 fessional positions in the Department of Defense, is amended
 10 by striking out “four hundred fifty civilian positions” and
 11 inserting in lieu thereof “~~five hundred sixty-five~~ *five hundred*
 12 *thirty-five* civilian positions”.

13 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
 14 POSITIONS IN THE NATIONAL SECURITY AGENCY
 15 UNDER THE ACT OF MAY 29, 1959

16 SEC. 204. Section 4 of the Act of May 29, 1959 (73
 17 Stat. 63; Public Law 86-36), authorizing the Secretary of
 18 Defense to establish not more than fifty scientific and pro-
 19 fessional positions in the National Security Agency, is
 20 amended by striking out “fifty civilian positions” and insert-
 21 ing in lieu thereof “sixty civilian positions”.

1 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
2 POSITIONS IN THE FEDERAL AVIATION AGENCY UNDER
3 SECTION 302(h) OF THE FEDERAL AVIATION ACT OF
4 1958

5 SEC. 205. (a) Section 302 (h) of the Federal Aviation
6 Act of 1958 (72 Stat. 746; 49 U.S.C. 1343 (f)), authorizing
7 the Administrator of the Federal Aviation Agency to estab-
8 lish not more than fifteen scientific and professional positions
9 in the Federal Aviation Agency, is amended by striking out
10 "fifteen positions" and inserting in lieu thereof "twenty
11 positions".

12 (b) Section 302(f) of the Federal Aviation Act of 1958
13 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for
14 not to exceed ten positions in the Federal Aviation Agency at
15 rates of annual compensation of not to exceed \$19,500, is
16 amended by striking out "ten positions" and inserting in lieu
17 thereof "twenty positions".

18 INCREASE IN NUMBER OF SCIENTIFIC, ENGINEERING, AND
19 ADMINISTRATIVE POSITIONS IN THE NATIONAL AERO-
20 NAUTICS AND SPACE ADMINISTRATION UNDER SECTION
21 203(b)(2) OF THE NATIONAL AERONAUTICS AND SPACE
22 ACT OF 1958

23 SEC. 206. (a) Section 203 (b) (2) of the National Aero-
24 nautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C.
25 2473 (b) (2)), authorizing the Administrator of the Na-

1 tional Aeronautics and Space Administration to establish
2 not more than two hundred and ninety scientific, engineering,
3 and administrative positions in the National Aeronautics and
4 Space Administration, is amended by striking out “two
5 hundred and ninety” and inserting in lieu thereof “three
6 hundred and ~~forty~~ fifty-five”.

7 *(b)(1) The Administrator of the National Aeronautics*
8 *and Space Administration shall submit to the Congress not*
9 *later than forty-five days after the close of each fiscal year*
10 *a report which sets forth, as of the close of such fiscal year—*

11 *(A) the number of positions established under sec-*
12 *tion 203(b)(2) of the National Aeronautics and Space*
13 *Act of 1958, as amended (42 U.S.C. 2473(b)(2));*

14 *(B) the name, rate of compensation, and description*
15 *of the qualifications of each incumbent of each position*
16 *established under such section 203(b)(2), together with*
17 *the position title and a statement of the duties and re-*
18 *sponsibilities performed by each such incumbent;*

19 *(C) the position or positions in or outside the Fed-*
20 *eral Government held by each such incumbent, and his*
21 *rate or rates of compensation, during the five-year pe-*
22 *riod immediately preceding the date of appointment of*
23 *such incumbent to such position; and*

24 *(D) such other information as the Administrator*

1 may deem appropriate or which may be required by
2 the Congress or a committee thereof.

3 Nothing contained in this subsection shall require the re-
4 submission of any information required under subpara-
5 graphs (B) and (C) of this subsection which has been re-
6 ported pursuant to this subsection and remains unchanged.

7 (2) In any instance in which the Administrator may
8 find full public disclosure of any or all of the matter covered
9 by paragraph (1) of this subsection to be detrimental to
10 the national security, the Administrator is authorized—

11 (A) to omit in such report those matters with re-
12 spect to which full public disclosure is found to be detri-
13 mental to the national security;

14 (B) to inform the Congress of such omission; and

15 (C) at the request of any congressional committee
16 to which such report is referred, to present all informa-
17 tion concerning such matters.

18 TITLE III—REALIGNMENT OF COMPENSATION
19 OF CERTAIN POSITIONS UNDER THE CLASSI-
20 FICATION ACT OF 1949 AND THE FEDERAL
21 EXECUTIVE PAY ACT OF 1956

22 ~~REMOVAL OF LIMITATION ON COMPENSATION OF OFFICERS~~
23 ~~OF DEVELOPMENT LOAN FUND~~

24 SEC. 301. The second sentence of section 205(b) of
25 the Mutual Security Act of 1954, as amended (22 U.S.C.

1 1875(b)), providing a limitation of \$18,000 per annum on
 2 the compensation of four officers of the Development Loan
 3 Fund, is amended by striking out "and whose compensation
 4 shall be at a rate not in excess of \$18,000 per year".

5 REMOVAL OF CERTAIN POSITIONS FROM THE PURVIEW OF
 6 THE FEDERAL EXECUTIVE PAY ACT OF 1956

7 SEC. ~~302~~ 301. (a) Section 107 (a) of the Federal
 8 Executive Pay Act of 1956, as amended (5 U.S.C. 2206
 9 (a)), providing annual compensation of \$17,500 for cer-
 10 tain positions, is amended by striking out the following para-
 11 graphs:

12 " (2) Administrator, Bonneville Power Administra-
 13 tion.";

14 " (3) Administrator, Farmers' Home Administration.";

15 " (4) Administrator, Soil Conservation Service, De-
 16 partment of Agriculture.";

17 " (9) Chief Forester of the Forest Service, Depart-
 18 ment of Agriculture.";

19 " (10) Chief of Staff of the Joint Committee on Inter-
 20 nal Revenue Taxation.";

21 " (11) Commissioner of Customs.";

22 " (12) Commissioner, Federal Supply Service, General
 23 Services Administration.";

24 " (14) Commissioner of Narcotics.";

25 " (15) Commissioner, Public Buildings Service.";

1 ~~“(16) Commissioner of Public Roads.”;~~

2 “(17) Commissioner of Reclamation.”;

3 “(22) Manager, Federal Crop Insurance Corporation,
4 Department of Agriculture.”; and

5 “(23) Director of Coal Research, Department of the
6 Interior.”.

7 (b) Section 107 (b) of the Federal Executive Pay Act
8 of 1956, as amended (5 U.S.C. 2206 (b)), providing an-
9 nual compensation of \$17,000 for certain positions, is
10 amended by striking out

11 “(2) Treasurer of the United States.”.

12 CONFORMING CHANGES IN EXISTING LAW

13 SEC. ~~303~~ 302. ~~(a)~~ Section ~~303(a)~~ of title 23 of the
14 United States Code, providing annual compensation of
15 \$17,500 for the Commissioner of Public Roads, is amended
16 by striking out the following sentence:

17 ~~“The Commissioner of Public Roads shall receive basic com-~~
18 ~~pensation at the rate of \$17,500 per annum.”.~~

19 ~~(b)~~ (a) The proviso contained in the first sentence of
20 section 5 (d) of the Farm Credit Act of 1953, as amended
21 (73 Stat. 387; 12 U.S.C. 636d (d)), providing annual com-
22 pensation of \$17,500 for not more than three positions of
23 deputy governor in the Farm Credit Administration, is
24 amended by striking out “: *Provided*, That the salary of not
25 more than three positions of deputy governor shall each be

1 fixed by the Board at a rate not exceeding \$17,500 per an-
 2 num". to read as follows: " : Provided, That the salary of not
 3 more than three positions of deputy governor each shall be
 4 fixed by the Board at a rate not exceeding the maximum
 5 scheduled rate of the General Schedule of the Classification
 6 Act of 1949, as amended".

7 ~~(e)~~ (b) (1) There is hereby repealed the second sen-
 8 tence of section 4201 of title 18 of the United States Code,
 9 providing annual compensation of \$17,500 for each member
 10 of the Board of Parole in the Department of Justice, which
 11 reads as follows: "The annual rate of basic compensation of
 12 each member of the Board shall be \$17,500."

13 (2) The section heading of such section 4201 is
 14 amended by striking out "; salaries".

15 (3) The table of contents of chapter 311 of such title
 16 18 is amended by striking out

"4201. Board of Parole; members; salaries."

17 and inserting in lieu thereof

"4201. Board of Parole; members."

18 ~~(d)~~ (c) Notwithstanding any other provision of law, the
 19 rate of gross annual compensation of the Chief of Staff of the
 20 Joint Committee on Internal Revenue Taxation shall be an
 21 amount which is equal to \$17,500, as increased in the manner
 22 provided by section 4(r) of the Federal Employees Salary
 23 Increase Act of 1958 (72 Stat. 209; Public Law 85-462)

1 and section 117 (g) of the Federal Employees Salary In-
 2 crease Act of 1960 (Part B of the Act of July 1, 1960;
 3 74 Stat. 304; Public Law 86-568).

4 ~~(e)~~ (d) On and after the effective date of this subsection,
 5 section 116 (a) of the Federal Employees Salary Increase
 6 Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat.
 7 303; Public Law 86-568) shall not be applicable with re-
 8 spect to the Deputy Director of the Administrative Office of
 9 the United States Courts.

10 (e) (1) *Section 106(b) of the Federal Executive Pay*
 11 *Act of 1956, as amended (5 U.S.C. 2205(b)), is amended*
 12 *by striking out*

13 “(1) *Architect of the Capitol.*”.

14 (2) *Section 107(a) of such Act, as amended (5 U.S.C.*
 15 *2206(a)), is amended by striking out*

16 “(5) *Assistant Architect of the Capitol.*”.

17 (f) *Section 202(e) of the Legislative Reorganization*
 18 *Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—*

19 (1) *by striking out “\$8,880” where it first appears*
 20 *in such subsection and inserting in lieu thereof “the*
 21 *highest amount which, together with additional com-*
 22 *ensation authorized by law, will not exceed the maxi-*
 23 *mum rate authorized by the Classification Act of 1949,*
 24 *as amended,”; and*

25 (2) *by striking out “\$8,880” at the second place*

1 where it appears in such subsection and inserting in lieu
2 thereof “the highest amount which, together with addi-
3 tional compensation authorized by law, will not exceed
4 the maximum rate authorized by the Classification Act of
5 1949, as amended”.

6 (g)(1) This subsection is enacted as an exercise of the
7 rule making power of the House of Representatives with full
8 recognition of the constitutional right of the House of Repre-
9 sentatives to change the rule amended by this subsection at any
10 time, in the same manner, and to the same extent as in the
11 case of any other rule of the House of Representatives.

12 (2) Clause 28(c) of Rule XI of the Rules of the
13 House of Representatives is amended—

14 (A) by striking out “\$8,880” where it first appears
15 in such clause and inserting in lieu thereof “the highest
16 amount which, together with additional compensation
17 authorized by law, will not exceed the maximum rate
18 authorized by the Classification Act of 1949, as
19 amended,”; and

20 (B) by striking out “\$8,880” at the second place
21 where it appears in such clause and inserting in lieu
22 thereof “the highest amount which, together with ad-
23 ditional compensation authorized by law, will not exceed
24 the maximum rate authorized by the Classification Act
25 of 1949, as amended”.

1 READJUSTMENT OF CERTAIN PAY LEVELS OF THE FEDERAL
2 EXECUTIVE PAY ACT OF 1956 AND REALINEMENT OF
3 COMPENSATION FOR POSITIONS IN SUCH PAY LEVELS
4 AND CERTAIN POSITIONS OF PRESIDENTIAL ASSISTANTS
5 WITH THE COMPENSATION FOR POSITIONS IN GRADE 18
6 OF THE CLASSIFICATION ACT OF 1949

7 SEC. ~~304~~ 303. (a) Section 106 (c) of the Federal Exec-
8 utive Pay Act of 1956, as amended (5 U.S.C. 2205 (c)),
9 providing annual compensation of \$18,000 for the Commis-
10 sioners of the Indian Claims Commission, is hereby repealed.

11 (b) Section 107 (a) of such Act, as amended (5 U.S.C.
12 2206 (a)), providing annual compensation of \$17,500 for
13 certain positions, is amended—

14 (1) by striking out “\$17,500” and inserting in
15 lieu thereof “\$18,500”; and

16 (2) by adding immediately below paragraph (23)
17 thereof the following new paragraph (24) :

18 “(24) Commissioner of the Indian Claims Commission
19 (3).”

20 (c) Section 107 (b) of such Act, as amended (5 U.S.C.
21 2206 (b)), providing annual compensation of \$17,000 for
22 certain positions, is amended by striking out “\$17,000” and
23 inserting in lieu thereof “\$18,000”.

24 (d) Section 105 of title 3 of the United States Code,
25 providing for the compensation of certain assistants to the

1 President, is amended by striking out “\$17,500” and insert-
 2 ing in lieu thereof “\$18,500”.

3 SAVINGS PROVISIONS

4 SEC. ~~305~~ 304. Except as provided by ~~section 303(d)~~
 5 ~~and 303(e)~~ subsections (a), (c), (d), (e), (f), and (g) of
 6 section 302 of this title, each position specifically
 7 referred to in or covered by any amendment made by ~~section~~
 8 ~~301, 302, or 303~~ sections 301 and 302 of this title shall be
 9 placed in the appropriate grade of the General Schedule of the
 10 Classification Act of 1949, as amended, in accordance with
 11 the provisions of such Act. The incumbent of each such posi-
 12 tion immediately prior to the effective date of this section
 13 shall continue to receive the rate of basic compensation which
 14 he was receiving immediately prior to such effective date
 15 until he leaves such position or until he is entitled to receive
 16 compensation at a higher rate in accordance with law. When
 17 such incumbent leaves such position, the rate of basic com-
 18 pensation of each subsequent appointee to such position shall
 19 be determined in accordance with the Classification Act of
 20 1949, as amended.

21 EFFECTIVE DATE

22 SEC. 306. The foregoing provisions of this title shall
 23 become effective at the beginning of the first pay period
 24 which begins on or after the sixtieth day following the date
 25 of enactment of this Act.

1 TITLE IV—EXAMINERS UNDER THE ADMINIS-
2 TRATIVE PROCEDURE ACT

3 REVISION OF COMPENSATION OF EXAMINERS

4 SEC. 401. Section 11 of the Administrative Procedure
5 Act, as amended (5 U.S.C. 1010), relating to examiners;
6 is amended to read as follows:

7 “EXAMINERS

8 “SEC. 11. (a) Subject to the civil service and other
9 laws to the extent not inconsistent with this Act, there shall
10 be appointed by and for each agency as many qualified and
11 competent examiners as may be necessary for proceedings
12 pursuant to sections 7 and 8. Examiners shall be assigned
13 to cases in rotation so far as practicable and shall perform
14 no duties inconsistent with their duties and responsibilities
15 as examiners.

16 “(b) Examiners shall be removable by the agency in
17 which they are employed only for good cause established
18 and determined by the United States Civil Service Commis-
19 sion (hereinafter called the Commission) after opportunity
20 for hearing and upon the record thereof.

21 “(c) Agencies occasionally or temporarily insuffi-
22 ciently staffed may utilize examiners selected by the Com-
23 mission from and with the consent of other agencies.

24 “(d) Examiners employed by the Department of Agri-
25 culture, the Department of Labor, the Federal Maritime

1 Board in the Department of Commerce, the Atomic Energy
2 Commission, the Federal Communications Commission, the
3 Federal Power Commission, the Federal Trade Commission,
4 the Civil Aeronautics Board, the Interstate Commerce Com-
5 mission, the National Labor Relations Board, the Securities
6 and Exchange Commission, the Subversive Activities Con-
7 trol Board, the Post Office Department, the Office of Alien
8 Property in the Department of Justice, and the Federal Re-
9 serve System shall receive compensation at a rate equal to
10 the maximum scheduled rate prescribed for grade GS-16
11 by the Classification Act of 1949, as amended. All other
12 examiners shall receive compensation at a rate equal to the
13 maximum scheduled rate prescribed for grade GS-14 by the
14 Classification Act of 1949, as amended.

15 Agencies having ten or more examiners may designate one
16 examiner as the chief examiner to have the administrative
17 management responsibility for the hearings program of the
18 agency. The examiner so designated to exercise this re-
19 sponsibility shall receive \$500 per annum in addition to his
20 compensation as an examiner.

21 “(c) For the purposes of this section, the Commission
22 is authorized to make investigations, require reports by agen-
23 cies, issue reports (including an annual report to the Con-
24 gress), promulgate rules, appoint such advisory committees
25 as may be deemed necessary, recommend legislation, sub-

1 pena witnesses or records, and pay witness fees as established
2 for the United States courts.”.

3 CONFORMING AMENDMENTS

~~SEC. 402. (a) Section 202 of the Classification Act of 1949, as amended (5 U.S.C. 1082), is amended—~~

(1) by striking out the period at the end of paragraph (34) thereof and inserting a semicolon in lieu of the period;

9 ~~(2)~~ by striking out the period at the end of para-
10 graph ~~(35)~~ thereof and inserting in lieu of the period a
11 semicolon and the word “and”; and

(3) by inserting immediately below paragraph

(35) the following new paragraph:

14 ~~“(36) Examiners appointed under section 11 of the~~
15 ~~Administrative Procedure Act, as amended (5 U.S.C.~~
16 ~~1010).”~~

~~(b) Section 2(b) of the Performance Rating Act of~~
~~1950, as amended (5 U.S.C. 2001), is amended—~~

(1) by striking out the period at the end of paragraph (13) thereof and inserting in lieu of the period a semicolon and the word “and”; and

22 (2) by inserting immediately below paragraph

~~(13)~~ the following new paragraph:

“(14) Examiners appointed under section 11 of the Administrative Procedure Act, as amended (5 U.S.C. 1010).”.

SAVINGS PROVISIONS

SEC. 403. Each examiner subject to section 11 of the Administrative Procedure Act, as amended by section 401 of this title, who, immediately prior to the effective date of this section, is receiving in his position of examiner a rate of compensation which is in excess of the new rate of compensation prescribed under authority of subsection (d) of such section 11, as so amended, may continue to receive such former rate so long as he remains in the same position. When such incumbent examiner leaves such position, the rate of compensation of each subsequent appointee to such position shall be determined in accordance with subsection (d) of such section 11, as so amended.

EFFECTIVE DATE

SEC. 404. The foregoing provisions of this title shall become effective at the beginning of the first pay period which begins on or after the sixtieth day following the date of enactment of this Act.

1 *TITLE IV—POSITIONS IN TOP SALARY LEVELS*
2 *IN THE POSTAL FIELD SERVICE*

3 *INCREASE IN NUMBER OF AUTHORIZED TOP SALARY LEVEL*
4 *POSITIONS IN THE POSTAL FIELD SERVICE*

5 *SEC. 401. Section 3301 of title 39, United States Code,*
6 *relating to the maximum number of positions authorized at*
7 *any one time for salary levels 17, 18, 19, and 20 in the*
8 *postal field service, is amended by adding at the end thereof*
9 *the following new sentence: "In addition to the number of*
10 *positions prescribed by subparagraphs (2) to (5), inclusive,*
11 *of this section, the Postmaster General is authorized to assign*
12 *a total of not more than forty positions among salary levels*
13 *17, 18, 19, and 20 as he may determine."*

Amend the title so as to read: "A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

A BILL

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

By Mr. MURRAY

MAY 20, 1961

Referred to the Committee on Post Office and Civil Service

SEPTEMBER 12, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

ESTABLISHMENT OF ADDITIONAL SUPERGRADE AND SCIENTIFIC-TYPE POSITIONS

SEPTEMBER 12, 1961.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

together with

INDIVIDUAL VIEWS

[To accompany S. 1732]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

AMENDMENTS

The committee proposes two amendments to the bill: an amendment to the title and an amendment to the text.

The purpose of the proposed amendment to the title is to reflect more accurately the provisions of the revised text of the bill.

The proposed amendment to the text strikes out all after the enacting clause and inserts in lieu thereof a substitute text which is set forth in the reported bill in *italic type*.

STATEMENT

The effectiveness and efficiency of Federal departments and agencies engaged in defense, intelligence, space exploration, research, crime prevention, and a multitude of other vastly important and highly

2 ADDITIONAL SUPERGRADE AND SCIENTIFIC-TYPE POSITIONS

complex functions depend in part on the type of leadership we are able to attract and retain in Government service.

This measure is concerned primarily with the establishment of additional supergrade and scientific-type positions to enable the Government to cope successfully with conditions that exist in the world today. The increasing complexities of national programs, the rapidity of scientific breakthroughs, and the expansion of programs all combine to require additional top-level positions.

The bill as reported is designed to meet only the most pressing current needs.

The bill proposes an overall increase of 465 supergrade-type positions and 259 scientific-type positions or a total increase of 724 for both types of positions.

Of the additional supergrade-type positions authorized, the Civil Service Commission would receive 419 of which 100 are to be held in reserve for use only upon determination by the President of their initial need. Out of the remaining 319, the Small Business Administration is to receive 3 and the Post Office Department 24, leaving a total of 292 for allotment by the Civil Service Commission as the needs of the departments and agencies require.

The bill proposes an overall increase of 259 in the number of authorized scientific-type positions. Of this number, 135 are made available to the National Aeronautics and Space Administration and 75 to the Department of Defense with the remaining 49 available to the other agencies.

Below is a summary table showing the number of supergrade and scientific-type positions now authorized and the additional number of such positions proposed in this legislation.

Supergrade and scientific-type positions

Agency	Currently authorized	Additional number authorized by S. 1732	Total
A. SUPERGRADE TYPE			
1. Civil Service Commission:			
(a) For allotment to departments and agencies.....	1,108	319	1,427
(b) For allotment only upon order of the President.....		100	100
2. Department of Defense.....	372	28	400
3. National Security Agency.....	50	12	62
4. Immigration and Naturalization.....	11	6	17
5. Specific authorizations to individual departments and agencies.....	600		600
Subtotal.....	2,141	465	2,606
B. SCIENTIFIC TYPE			
1. Department of the Interior.....	5	3	8
2. Department of Agriculture.....	15	3	18
3. Department of Health, Education, and Welfare.....	10	3	13
4. Department of Commerce.....	25	3	28
5. Post Office Department.....		3	3
6. Department of Defense.....	450	75	525
7. National Security Agency.....	50	10	60
8. Federal Aviation Agency.....	25	20	45
9. National Aeronautics and Space Administration.....	290	135	425
10. Library of Congress.....		4	4
11. Existing allotments to other departments and agencies.....	160		
Subtotal.....	1,030	259	1,129
Total.....	3,171	724	3,735

The bill as reported stops short of the original bill in a number of respects as follows:

Number of supergrade positions

[The original bill proposed a substantially greater number of supergrade positions than provided in the bill as reported. The additional number of such positions to be made available to the Civil Service Commission for allotment to the departments and agencies was cut from 400 to 292; the Department of Defense was reduced from 50 to 28; the National Security Agency from 20 to 12; and eliminated completely were 327 such positions to which 299 hearing examiners and 28 persons now under the Executive Pay Act were to be assigned. The reported bill includes 33 earmarked supergrade positions not in the original bill. The reported bill does not change the number (100) of additional such positions to be made available upon a finding by the President as to their initial need.

Number of scientific positions

The original bill (including supplemental adjustments) provided for the establishment of 299 additional scientific-type positions as compared with 259 in the bill as reported. The committee made no significant reductions in this area for the reason that it is in complete accord with the necessity of attracting and retaining adequately qualified scientists and other types of professional personnel to execute a variety of critical assignments upon which our future existence may well depend.

Hearing examiners

The original bill proposed removing hearing examiner positions from the jurisdiction of the Classification Act. Those in certain specified agencies would have been given a rate equivalent to grade GS-16. Hearing examiners in all other agencies would have been given a rate equivalent to grade GS-14.

The public hearing developed a great amount of testimony and controversy on this proposal.

First, it was brought out that the effect of fixing the pay of examiners in certain specified agencies at a rate equivalent to grade GS-16 would be to establish 300 additional supergrade positions as this is the number whose pay would be so fixed.

Second, after the bill was officially submitted and had been introduced, the Civil Service Commission and the Bureau of the Budget recommended an amendment that would fix the pay of hearing examiners at the top of grade GS-14 or GS-16, respectively, instead of merely being put in such grades as originally proposed.

Third, all flexibility would be removed in the fixing of pay for hearing examiners. A new employee would receive the same rate of pay as a longtime employee with years of experience.

Fourth, a great amount of testimony both oral and written was presented in support of an amendment that would broaden the definition of "major" agencies to include the Coast Guard and others in order that hearing examiners in such agencies might thus receive pay at a rate equivalent to the top of grade GS-16.

Fifth, hearing examiners in agencies not classified under the bill as "major" objected to having their pay pegged to grade GS-14 on the basis that they now have a chance to be paid at the rate of grade GS-15.

4 ADDITIONAL SUPERGRADE AND SCIENTIFIC-TYPE POSITIONS

Finally, a number of agencies indicated that if the pay of hearing examiners were to be increased as proposed by the original bill, it would be necessary to establish additional supergrade positions so the pay of employees who outrank them in the agency could be appropriately adjusted.

After careful consideration of all the factors involved, the committee reached a conclusion that this proposal requires further study in the executive branch before it is ready for legislative action.

The committee is not unaware of the justification for attention to this matter, and it hopes that the executive branch will devote immediate attention to the development of a sound and equitable solution.

Removal of certain positions from Executive Pay Act

The original bill proposed to remove a limited number of positions from the Executive Pay Act and place them within the jurisdiction of the Classification Act. Additionally, it would have made certain adjustments in the bottom pay steps of the Executive Pay Act. These moves were designed to correct an existing situation under which the statutory salary of a few positions (mostly bureau heads or assistants) are lower than the salaries of subordinate positions compensated under the Classification Act.

The committee is aware of the inequity inherent in such a situation but agreed that it would be best to consider the problem on an overall basis rather than piecemeal as the bill proposed.

SECTIONAL ANALYSIS

The following is a sectional analysis of the bill as ordered reported by the committee:

Section 1

This section amends section 505 of the Classification Act of 1949, as amended, as it relates to the numerical limitation on positions in grades 16, 17, and 18 of the general schedule.

Paragraph (1) authorizes the Civil Service Commission to place a total of not to exceed 1,427 positions in grades 16, 17, and 18 of the general schedule of which not to exceed 160 are to be in grade 18 or in excess of 357 in grade 17. The remaining 910 are to be in grade 16. This provides an increase of 29 positions in grade 18, 102 in grade 17, and 188 in grade 16.

It is the desire of the committee that 3 of the additional grade 18 positions be allotted to the Small Business Administration for the 3 existing positions of Assistant Administrator and that 24 of the additional positions authorized be allotted to the Post Office Department subject to Commission classification of the positions.

This paragraph also provides a reserve of 100 positions for classification to grades 16, 17, or 18 by the Commission as appropriate on the basis of initial need as determined by the President.

Paragraph (2), relating to Immigration and Naturalization, amends section (g) of section 505 of the Classification Act by adding six grade 16 positions that may be established by the Commissioner.

Paragraph (3), relating to the Department of Defense, amends section (j) of section 505 of the Classification Act by increasing from 372 to 400 the number of positions which the Secretary of Defense is authorized to place in grades 16, 17, and 18 of the general schedule.

Subsection (b) repeals a section of the act of September 23, 1959, that is no longer applicable and would only serve to create confusion if left standing.

Subsection (c) is a necessary savings clause for use in certain instances where positions may be shifted from one category to another.

Section 2

The purpose of this section, which related to the National Security Agency, is to amend section 2 of the act of May 29, 1959, in order to increase from 50 to 62 the number of officers and employees who may be paid under this authority at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of the general schedule. For security reasons, this Agency is specifically excluded from the Classification Act of 1949. However, on the basis of information obtained by committee staff in executive session with officials of the Agency, the committee is convinced that the additional positions authorized by this section are fully justified.

Section 3

This section amends the first section of the act of August 1, 1947, as amended, more commonly referred to as Public Law 313.

This act authorizes the Secretaries of designated executive departments to establish and fix the compensation of a specified number of scientific or professional positions. The rates of compensation for these positions ranges from \$12,500 to \$19,000 and are subject to approval of the Civil Service Commission. Except for increases in the number of such positions which may be established, the bill makes no change in Public Law 313.

Paragraph (1) increases from five to eight the number of such positions in the Department of Interior.

Paragraph (2) increases from 15 to 18 the number of such positions in the Department of Agriculture.

Paragraph (3) increases from 10 to 13 the number of such positions in the Department of Health, Education, and Welfare.

Paragraph (4) increases from 25 to 28 the number of such positions in the Department of Commerce.

Paragraph (5) authorizes the establishment of three such positions in the Post Office Department and four such positions in the Library of Congress.

Section 4

Subsection (a) increases from 450 to 525 the number of civilian positions in the Department of Defense established to carry out research and development relating to the national defense, military medicine, and other activities that require specially qualified scientists or other types of professional personnel.

Subparagraph (b), relating to the National Security Agency, increases from 50 to 60 the number of civilian positions involving research and development functions which require the services of specially qualified scientific or professional personnel and which may be established by the Secretary of Defense in the National Security Agency.

Subsections (c) and (d) relating to the Federal Aviation Agency, amend sections 302(f) and 302(h) of the Federal Aviation Act of 1958 to increase from 10 to 25 and from 15 to 20 the number of positions

which may be established under such sections respectively. The first section authorizes the establishment of specialized administrative-type positions at a rate of not to exceed \$19,500 and the second section authorizes the establishment of scientific-type positions at a rate of not to exceed \$19,000. The combined increase amounting to 20 positions is deemed justified in the light of this Agency's mission.

Subsection (e), relating to the National Aeronautics and Space Administration increases from 290 to 425 the number of scientific, engineering, and administrative personnel which the Administrator may appoint and fix the compensation of up to a maximum of \$19,000 a year.

PUBLIC HEARINGS

Extensive public hearings were held on this measure on July 13 and July 25, 1961. The transcript of these hearings have been printed and are made a part hereof by reference.

AGENCY REQUEST

Following is the official request of the U.S. Civil Service Commission which led to the introduction of this measure on April 27, 1961:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 14, 1961.

HON. LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: We are submitting with this letter, for the consideration of the Congress, proposed legislation which would increase the number of top career positions in the Federal pay structure, make certain minimum salary adjustments in the Federal Executive Pay Act, and revise the method of compensating hearing examiners under the Administrative Procedure Act. There are enclosed a draft bill, a section analysis of the bill, and a statement of justification.

Limitations set by law on the number of top positions in the Federal pay structure are hampering the Government's ability to plan and manage the broad array of Federal programs. New and changing demands in these programs cannot be met within these rigid limitations. Department and agency heads are handicapped in their search for top-level talent through the absence of available top-level positions.

Grave inequities are imposed on Federal administrators and scientists whose responsibilities fully meet the criteria established by Congress for the top grades of the Classification Act of 1949 but who cannot receive the rate of compensation to which they are justly entitled because of rigid restrictions on the number of positions in these grades.

To bring objective evidence to bear on this issue, the President directed a survey of the needs of all Federal departments and agencies for additional top positions under the Classification Act and Public Law 313-type statutes. The Commission has evaluated these identified needs to verify the justification for the grade level requested. This survey and evaluation convincingly demonstrated the urgent need for the additional positions which the bill would authorize: 578

positions in Classification Act grades GS-16, 17, and 18; 203 scientific positions under Public Law 313 and similar statutes; and 20 positions of Classification Act type under a special authority of the National Security Agency. One hundred of these additional Classification Act positions would, under the bill, be held in reserve and used only upon the determination of initial need by the President. A number of separate authorities for positions in grades GS-16, 17, and 18 would be repealed and consolidated by the bill.

This bill also proposes the removal of sublimitations on the number of positions in grades GS-17 and 18. This would enable the Commission, within the total number of positions authorized for the three grades, to place a position in grade GS-16, 17, or 18 as indicated by its duties and responsibilities and without regard to the number already placed in the individual grade.

I wish to emphasize strongly that these additions to existing quotas of top positions represent pressing needs of the entire executive branch that have been identified as the result of critical review. They represent a modest though significant approach to a serious management problem in many Federal agencies.

The draft bill also makes minimum salary adjustments in the Federal Executive Pay Act in order to restore in part the salary relationships with the Classification Act which existed for several years prior to enactment of the Federal Employees Salary Increase Act of 1960. Because salary rates of the Federal Executive Pay Act were not also revised, the incongruous situation exists where the heads of certain agencies and bureaus receive less salary than do some of their subordinates under the Classification Act.

In accordance with the message transmitted by the President on April 13 regarding regulatory agencies, this bill includes a proposal for a revised method for compensating hearing examiners under the Administrative Procedure Act. Provision for this change appears in title II and would resolve a problem that has troubled the Congress and the executive branch for many years. Experience has proved that classifying positions of hearing examiners under the Classification Act is unsatisfactory. Therefore, we recommend that hearing examiner positions be removed from the Classification Act and placed in a separate two-grade system.

The Bureau of the Budget advises that enactment of the recommended bill will be consistent with the administration's objectives.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

INDIVIDUAL VIEWS

While I concur with the other members of the committee in recommending that the Senate approve S. 1732, I feel that the Congress should delegate to the administration far greater authority to classify positions in the higher levels of the civil service.

When the Congress enacted the Classification Act of 1923, it delegated to the executive branch the responsibility for fixing the pay of individual employees of that branch (other than those holding the few positions whose salaries were set by statute), subject to general standards established by the act. This step was taken in recognition of the fact that Congress has neither the time nor the staff resources to make the analyses which must underlie fair and equitable decisions on the allocation of individual jobs.

For more than a quarter of a century, the Congress consistently supported the principle that job classification is an executive function. But in the Classification Act of 1949, the Congress began to move away from this principle. In authorizing three new grades, GS-16, GS-17, and GS-18, the so-called supergrades, a statutory limit was set on the number of jobs which could be allocated to those grades.

On various occasions, the limit has been raised. But even when raised, they have continued to bind. Consequently, to get around the limits which the Congress itself has established, the Congress through individual acts has authorized additional supergrade positions for particular agencies. These provisions have been recommended by various committees of the Congress. No common standards have been used. No careful job analyses have been possible. The result is a welter of authorizing legislation and a haphazard distribution of supergrade positions among competing agencies.

The present bill would relieve—for the time being—the pressure caused by the statutory limitations on these positions. What it should do is remove the limits altogether.

The administration testified that it would prefer to have the limitations removed.

Chairman John W. Macy, Jr., of the Civil Service Commission said:

Although there is general agreement in the executive branch that the best long-range solution of this problem is the removal of all numerical limitations on positions at these levels, the bill takes a more moderate approach.

Mr. Phillip S. Hughes, Assistant Director of the Bureau of the Budget, told the committee:

As has often been stated, the executive branch would prefer to eliminate the numerical limitation altogether and to rely on the standards and procedures of the Classification Act as administered by the Civil Service Commission to control this portion of the payroll, just as these standards and procedures control allocations to the lower grades.

It may be that the committee bill will meet the most pressing immediate needs of the executive branch. But, sooner or later, as the responsibilities of Government officials continue to increase, as pay scales inside and outside the Government continue to rise, the new limitations will begin to hamper the operations of the Government. More legislative adjustments will then be necessary. Between the time when the needs develop and the time when the adjustments are made, Government agencies will lose out in their competition to attract and hold their share of the best talent and ability of the Nation. All the agency heads who appeared before us testified that their operations were currently suffering, while they await the approval of this bill.

To quote just one of them, Mr. Hugh L. Dryden, Deputy Administrator of the National Aeronautics and Space Agency, told the committee:

A substantial increase in the top scientific and executive positions is needed to direct the additional internal programs as well as administer and supervise the very large increases in the programs performed by contract. Personnel capable of performing such duties cannot be obtained at the current salaries for GS-15 positions and below.

The national space program effort is concentrated in the advanced fields of aerospace technology. As is true of any newly emerging field, there is an admittedly short supply in the number of scientific, engineering, and administrative personnel of executive level caliber who have the capabilities and experience to conceive and direct such programs. At a time when our organization will have urgent need to add to its key personnel in the field as well as the headquarters, the increased contracts we will be letting with industry and other institutions will in turn create similar demands on the Nation's supply of qualified personnel in the aerospace fields.

I remember a similar situation in 1956 when, because of the large salary differential, the NASA was not only unable to hire new personnel from the outside, but sustained very serious losses from our own highly trained staff. It would be very serious if this were to occur again.

The salary levels for the positions we are requesting are still substantially below the salaries paid by nongovernmental organizations.

I see no reason to continue a system which does nothing to help but much to hamper the agencies of the Government in the discharge of their responsibilities.

We all know of the research organizations, sustained entirely or mainly on Government funds, which have been established largely as a subterfuge to avoid the limits of the Classification Act. They pay their executives up to \$35,000 and \$50,000 a year. All I propose is to give the Government authority to pay up to \$18,500.

The controls which are continued in this bill might be justified if they saved large amounts of money, and did so with fairness to the employees. But neither is the case. The amounts involved are miniscule. A career Federal executive now in the third step of GS-15,

whose job warrants GS-16, would receive an \$875 promotion if he is reclassified. Insofar as the numerical limits prevent such reclassification, the Government saves only \$875 per employee, and it does so by unfairly penalizing a public servant who is discharging higher level responsibilities but not receiving the higher pay.

The controls also might be justified if Congress were equipped to administer them. But we are not. The executive branch has the administrative machinery to allocate jobs to salary levels. The Congress has no such machinery. To be fair, a classification system must be maintained in delicate balance, and insofar as Congress tinkers clumsily with that system it is more apt to put it out of balance than to improve it.

On one occasion, a witness testified before our committee that he should be awarded a supergrade, and the committee had to consider whether to assign him such a grade in the bill which it approved. This is not the way such decisions should be made. Obviously, we cannot take the time to hear and act upon the pleas of individual civil servants for salary increases.

The Congress has been or is currently considering a \$47 billion defense appropriation bill, a vastly expanded space research program, a long-range foreign aid program, major proposals in the fields of education, taxation, agriculture, medical care for the aged, retraining of the unemployed, employment opportunities for youth, and many others. Can we also afford to devote precious hours to deciding how many civil servants, whose jobs we have not studied and cannot study, should receive \$875 salary increases?

I believe that the same Cabinet members and other top executives to whom we delegate the responsibility for spending billions of dollars, drafting thousands of young men into military service, conducting life-or-death research and experimentation, negotiating with foreign nations, building giant public works, deciding the effectiveness of weapons systems, and administering the other manifold functions of the Government can be trusted with the added responsibility of deciding about those \$875 salary increases.

By delegating this responsibility, the Congress would not, of course, lose ultimate control. The operations of agencies and the way in which they spend their funds, including those for salaries, are reviewed annually and intensively by the Appropriations Committees. Our committee and the House Civil Service Committee will continue to exercise general supervision over personnel matters. The Government's central personnel agency, the U.S. Civil Service Commission, which has responsibilities to the Congress as well as to the President, stands as a safeguard to assure Congress that jobs will be allocated to the top grades with the same care that is taken in allocating to grades up to GS-15. Indeed, more care is taken, because every single proposal to place a job in a supergrade is acted on by a majority of the Civil Service Commissioners, and the qualifications of the proposed appointee are carefully screened by a special review board within the Commission.

My proposal is only that jobs be placed on the salary scale at the point which their duties now justify; it is not a request for a higher scale. Yet, a cold and critical review of the Federal pay structure will convince anyone who is familiar with the salaries in private business and the leading universities that our Federal career leaders in scien-

tific, professional, and managerial ranks are seriously underpaid. A Civil Service Commission survey of large business concerns, conducted last year, clearly demonstrated a serious executive salary lag, with the gap widening the higher up the pay scale one goes in making comparisons. At the top levels, pay could even be doubled and the Government would still be getting many "bargains" for the responsibilities carried and the abilities needed. To remove detailed congressional controls on the number of top career jobs is only one step of several that must ultimately be taken to make the Federal career service really competitive in today's world.

JOSEPH S. CLARK.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

Section 505 of the Classification Act of 1949, as amended

* * * * *

(b) Subject to subsections [(c), (d), and (e)] *(c) to (l), inclusive*, of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed [fourteen hundred and nine] *fourteen hundred and twenty-seven*) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority such maximum number of positions shall not exceed [three hundred and sixty three] *three hundred and fifty-seven* for grade 17 and [one hundred and fifty-two] *one hundred and sixty* for grade 18, and not to exceed an additional one hundred of such positions shall be established by the Commission upon a determination by the President of initial need therefor.

* * * * *

(g) The Commissioner of Immigration and Naturalization is authorized to place a total of eleven positions in grade 17 of the General Schedule *and a total of six positions in grade 16 of the General Schedule*. Such positions shall be in addition to the number of positions authorized to be placed in such [grade] *grades* by subsection (b).

* * * * *

(j) The Secretary of Defense is authorized, subject to the standards and procedures prescribed by this Act, to place a total of [three hundred seventy-two] *four hundred* positions in the Department of Defense in grades 16, 17, and 18 of the General Schedule.

* * * * *

Subsection (b) of First Section of Act of September 23, 1959

[(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5. U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective numbers of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be

deemed to have been reduced by the respective numbers of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act.】

Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36)

* * * * *

SEC. 2. The Secretary of Defense (or his designee for the purpose) is authorized to establish such positions, and to appoint thereto such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic compensation for such positions shall be fixed by the Secretary of Defense (or his designee for the purpose) in relation to the rates of basic compensation contained in the General Schedule of the Classification Act of 1949, as amended, for positions subject to such Act which have corresponding levels of duties and responsibilities. Except as provided in section 4 of this Act, no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule. Not more than 【fifty】 *sixty-two* such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.

* * * * *

The Act of August 1, 1947, as Amended (Public Law 313, Eightieth Congress)

* * * * *

SEC. 1.

* * * * *

(d) The Secretary of the Interior is authorized to establish and fix the compensation for not more than 【five】 *eight* scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

(e) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than 【fifteen】 *eighteen* scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

(f) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than 【ten】 *thirteen* scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

(g) The Secretary of Commerce is authorized to establish and fix the compensation for not more than 【twenty-five】 *twenty-eight* scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being

established to effectuate these research and development functions of such Department which require the services of specially qualified personnel.

(h) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

(i) *The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.*

(j) *The Librarian of Congress is authorized to establish and fix the compensation for not more than four scientific or professional positions in the Library of Congress, each such position being established to carry out research and development functions of the Library which require the services of specially qualified personnel.*

SEC. 2. Positions created pursuant to this Act shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers and agents as it may designate for this purpose. *This section shall not apply to positions in the Library of Congress.*

SEC. 3. The Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, *the Postmaster General*, shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in the National Military Establishment, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, *the Post Office Department*, during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of functions performed by each. In any instance where the secretary may consider full public report on these items detrimental to the national security is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate.

Section 1581 of Title 10 of the United States Code

§ 1581. APPOINTMENT: PROFESSIONAL AND SCIENTIFIC SERVICES

(a) The Secretary of Defense may establish not more than [four hundred fifty] *five hundred twenty-five* civilian positions in the Department of Defense to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense that require the services of specially qualified scientists or professional personnel.

(b) Subject to the Civil Service Commission's approval as to rates, the Secretary may fix the compensation for positions established under subsection (a). However, the compensation may not be less than \$12,500 or more than \$19,000 a year.

The Act of May 29, 1959 (73 Stat. 63; Public Law 86-36)

* * * * *

SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to establish in the National Security Agency not more than **[fifty]** *sixty* civilian positions involving research and development functions, which require the services of specially qualified scientific or professional personnel, and fix the rates of basic compensation for such positions at rates not in excess of the maximum rate of compensation authorized by section 1581(b) of title 10, United States Code, as amended by paragraph (34)(B) of the first section of the Act of September 2, 1958 (72 Stat. 1456; Public Law 85-861).

* * * * *

Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; Public Law 85-726; 49 U.S.C. 1343(d))

OFFICERS AND EMPLOYEES

(f) The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties, except that the Administrator may fix the compensation for not more than **[ten]** *twenty-five* positions at rates not to exceed \$19,500.

Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; Public Law 85-726; 49 U.S.C. 1343(f))

SCIENTIFIC EMPLOYEES

(h) The Administrator is authorized to establish and fix the compensation for not to exceed **[fifteen]** *twenty* positions of officers and employees of the Agency of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, and Title V of the Act of July 31, 1956 (Public Law 854, Eighty-fourth Congress), and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; Public Law 85-568; 42 U.S.C. 2473(b)(2))

SEC. 203. (a) * * *

(b) In the performance of its functions the Administration is authorized—

* * * * *

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of \$19,000 a year, or up to a limit of \$21,000 a year for a maximum of ten positions) of not more than [two hundred and ninety] *four hundred and twenty-five* of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly.



87TH CONGRESS
1ST SESSION

Calendar No. 960

S. 1732

[Report No. 977]

IN THE SENATE OF THE UNITED STATES

APRIL 27, 1961

Mr. JOHNSTON (by request) introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

SEPTEMBER 12, 1961

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 TITLE I—AMENDMENTS TO THE CLASSIFICA-
2 TION ACT AND RELATED LAWS

3 SEC. 101. (a) Section 505 of the Classification Act of
4 1949, as amended (5 U.S.C. 1105), is further amended as
5 follows:

6 (1) Subsection (b) is amended by inserting “two
7 thousand and ninety-six” in place of “fourteen hundred
8 and nine” and by changing the comma after the words
9 “at any one time” to a semicolon, and by striking out
10 the remaining words in the sentence and inserting in
11 lieu thereof “except that one hundred of such positions
12 shall be classified by the Commission only upon the
13 determination of initial need for such positions by the
14 President.”;

15 (2) Subsections (f) relating to the National
16 Security Council, (k), and (l) are repealed; and

17 (3) In subsection (j) insert “four hundred twenty-
18 two” in place of “three hundred seventy-two”.

19 (b) the following laws or parts of laws are hereby
20 repealed:

21 (1) Section 202(b) of the Federal Aviation Act
22 of 1958 (72 Stat. 742; 49 U.S.C. 1322(b));

23 (2) Section 302(j) of the Federal Aviation Act
24 of 1958 (72 Stat. 747; 49 U.S.C. 1343(h));

~~(3)~~ The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a));

~~(4)~~ Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669);

~~(5)~~ The proviso in the paragraph under the heading "FEDERAL POWER COMMISSION" and the subheading "SALARIES AND EXPENSES" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626);

~~(6)~~ The proviso in the paragraph under the heading "CIVIL AERONAUTICS BOARD" and under the subheading "SALARIES AND EXPENSES" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note);

~~(7)~~ the fourth sentence of section 10(b)4 of the Railroad Act of 1937 (72 Stat. 1781; 45 U.S.C. 228j(b)4);

~~(8)~~ That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note), which reads as follows: "and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the

1 procedures prescribed in the Classification Act of 1949,
2 as amended”;

3 (9) The last paragraph under the heading “GEN-
4 ERAL SERVICES ADMINISTRATION” in title I of the In-
5 dependent Offices Appropriation Act, 1957 (70 Stat.
6 345; Public Law 623, Eighty-fourth Congress);

7 (10) That part of the second sentence of section 3
8 of Reorganization Plan Numbered 1 of 1958, effective
9 July 1, 1958 (23 Federal Register 4991), which reads
10 as follows: “except that the compensation may be fixed
11 without regard to the numerical limitations on positions
12 set forth in section 505 of the Classification Act of 1949,
13 as amended (5 U.S.C. 1105).”;

14 (11) The paragraph under the heading “COM-
15 MODITY CREDIT CORPORATION” in chapter I of the
16 Supplemental Appropriation Act, 1956 (69 Stat. 451;
17 15 U.S.C. 714h, note);

18 (12) Section 302 of the Act of July 31, 1956 (70
19 Stat. 743; 5 U.S.C. 517e);

20 (13) That part of the first sentence of section 205
21 of the Public Works Appropriation Act, 1958 (71 Stat.
22 423; Public Law 85-167), which reads as follows: “the
23 position of Administrator of the Southeastern Power Ad-
24 ministration shall be in grade GS-18 of the Classification
25 Act of 1949, as amended, but without regard to the nu-

merical limitation contained in section 505 of said Act;";
and

~~(14) That part of the sixth sentence of section 3(a)~~
~~of the Fish and Wildlife Act of 1956 (70 Stat. 1120;~~
~~16 U.S.C. 742b(a))~~ which reads as follows: "at Grades
GS-17 each".

~~(e) Positions in grades 16, 17, or 18, as the case may be,~~
~~of the General Schedule of the Classification Act of 1949, as~~
~~amended, immediately prior to the effective date of this sec-~~
~~tion, shall remain, on and after such effective date, in their~~
~~respective grades, until other action is taken under the pro-~~
~~visions of section 505 of the Classification Act of 1949 as in~~
~~effect on and after such effective date.~~

SEC. 102. Section 2 of the Act of May 29, 1959 (73
Stat. 63; Public Law 86-36), is amended by inserting
"seventy" in place of "fifty".

SEC. 103. (a) The first section of the Act of August 1,
1947, as amended (Public Law 313, Eightieth Congress;
5 U.S.C. 1161), is further amended as follows:

(1) In subsection (d), by inserting "ten" in place
of "five";

(2) In subsection (e), by inserting "twenty" in
place of "fifteen";

(3) In subsection (f), by inserting "fifteen" in place
of "ten"; and

1 ~~(4)~~ In subsection ~~(g)~~, by inserting “thirty” in
2 place of ~~“twenty-five”~~.

3 ~~(5)~~ Such section is further amended by adding at
4 the end thereof the following new subsection:

5 ~~“(i)~~ The Postmaster General is authorized to establish
6 and fix the compensation for not more than three scientific
7 or professional positions in the Post Office Department, each
8 such position being established to effectuate those research
9 and development functions of such Department which require
10 the services of specially qualified personnel.”

11 ~~(b)~~ Section 3 of such Act is amended by inserting after
12 “Secretary of Health, Education, and Welfare” a comma
13 and the following: “the Postmaster General,” and by insert-
14 ing after “Department of Health, Education, and Welfare”
15 a comma and the following: “the Post Office Department,”.

16 SEC. 104. ~~(a)~~ Section 1581~~(a)~~ of title 10 of the United
17 States Code is amended by inserting “five hundred sixty-
18 five” in place of ~~“four hundred fifty”~~.

19 ~~(b)~~ Section 4 of the Act of May 29, 1959 (~~73 Stat.~~
20 63; Public Law 86-36), is amended by inserting “sixty”
21 in place of ~~“fifty”~~.

22 ~~(c)~~ Section 302~~(h)~~ of the Federal Aviation Act of
23 1958 (~~72 Stat. 746; 49 U.S.C. 1343(f)~~) is amended by
24 inserting “twenty” in place of ~~“fifteen”~~.

25 ~~(d)~~ Section 203~~(b)~~ ~~(2)~~ of the National Aeronautics

1 and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473 (b)
 2 ~~(2)~~) is amended by inserting "three hundred and forty"
 3 in place of "two hundred and ninety".

4 SEC. 105. (a) The second sentence of section 205(b)
 5 of the Mutual Security Act of 1954, as amended (22 U.S.C.
 6 1875(b)), is further amended by inserting a period after
 7 the words "by the Board" and striking out the remainder of
 8 the sentence.

9 (b) Section 107(a) of the Federal Executive Pay Act
 10 of 1956, as amended (5 U.S.C. 2206(a)), is further
 11 amended by striking out:

12 "~~(2)~~ Administrator, Bonneville Power Administra-
 13 tion.

14 "~~(3)~~ Administrator, Farmers' Home Administra-
 15 tion.

16 "~~(4)~~ Administrator, Soil Conservation Service, De-
 17 partment of Agriculture.

18 "~~(9)~~ Chief Forester of the Forest Service, De-
 19 partment of Agriculture.

20 "~~(11)~~ Commissioner of Customs.

21 "~~(12)~~ Commissioner, Federal Supply Service,
 22 General Services Administration.

23 "~~(14)~~ Commissioner of Narcotics.

24 "~~(15)~~ Commissioner, Public Buildings Service.

25 "~~(16)~~ Commissioner of Public Roads.

1 ~~“(17) Commissioner of Reclamation.~~

2 ~~“(22) Manager, Federal Crop Insurance Corpora-~~
3 ~~tion, Department of Agriculture.~~

4 ~~“(23) Director of Coal Research, Department of~~
5 ~~the Interior.”~~

6 ~~(e) Section 107(b) of the Federal Executive Pay Act~~
7 ~~of 1956, as amended (5 U.S.C. 2206(b)), is further~~
8 ~~amended by striking out~~

9 ~~“(2) Treasurer of the United States.”~~

10 ~~(d) Section 303(a) of title 23 of the United States~~
11 ~~Code is amended by striking out the last sentence thereof~~
12 ~~relating to the rate of compensation of the Commissioner~~
13 ~~of Public Roads.~~

14 ~~(e) The first sentence of section 5(d) of the Farm~~
15 ~~Credit Act of 1953, as amended (12 U.S.C. 636d(d)), is~~
16 ~~further amended by striking out the proviso relating to the~~
17 ~~rate of compensation of three positions of deputy governor.~~

18 ~~(f) Section 4201 of title 18 of the United States Code~~
19 ~~is amended by striking out the second sentence thereof re-~~
20 ~~lating to the rate of compensation of members of the Board~~
21 ~~of Parole.~~

22 SEC. 106. ~~(a) Section 106(e) of the Federal Execu-~~
23 ~~tive Pay Act of 1956, as amended (5 U.S.C. 2205(e)),~~
24 ~~is hereby repealed.~~

1 ~~(b)~~ Section 107~~(a)~~ of the Federal Executive Pay Act
 2 of 1956, as amended ~~(5 U.S.C. 2206(a))~~, is further
 3 amended as follows:

4 ~~(1)~~ By inserting “\$18,500” in place of “\$17,500”;
 5 and

6 ~~(2)~~ By adding at the end of such section the fol-
 7 lowing paragraph:

8 “~~(24)~~ Commissioner of the Indian Claims Com-
 9 mission ~~(3)~~.”

10 ~~(c)~~ Section 107~~(b)~~ of the Federal Executive Pay Act
 11 of 1956, as amended ~~(5 U.S.C. 2206(b))~~, is further
 12 amended by inserting “\$18,000” in place of “\$17,000”.

13 ~~(d)~~ Section 105 of title 3 of the United States Code
 14 is amended by inserting “\$18,500” in place of “\$17,500”.

15 SEC. 107. ~~(a)~~ Positions that are covered by subsections
 16 ~~(a)~~ through ~~(f)~~ of section 105 shall be placed in grades of
 17 the general schedule in accordance with the provisions of the
 18 Classification Act of 1949, as amended. Incumbents of these
 19 positions shall continue to receive the rate of basic com-
 20 pensation that they were receiving immediately prior to
 21 the effective date of this section so long as they remain in
 22 the same positions or until a higher rate of basic compensa-
 23 tion is authorized by law. When an incumbent leaves one

1 of these positions, a subsequent appointee shall receive com-
2 pensation as provided by the Classification Act of 1949, as
3 amended.

4 ~~(b)~~ Nothing in this Act is intended to increase or de-
5 crease the rate of annual compensation received immediately
6 prior to the effective date of this Act by ~~(1)~~ the Deputy
7 Director of the Administrative Office of the United States
8 Courts, and ~~(2)~~ the Chief of Staff of the Joint Committee on
9 Internal Revenue Taxation.

10 SEC. 108. Sections 101, 102, 103, and 104 of this title
11 are effective on the date of enactment of this Act; sections
12 105, 106, and 107 are effective on the first day of the first
13 pay period which begins sixty days after the date of enact-
14 ment.

15 TITLE II—AMENDMENTS TO THE ADMINISTRA-
16 TIVE PROCEDURE ACT

17 SEC. 201. Section 11 of the Administrative Procedure
18 Act ~~(5 U.S.C. 1010)~~ is amended to read as follows:

19 “SEC. 11. (a) Subject to the civil service and other laws
20 to the extent not inconsistent with this Act, there shall be
21 appointed by and for each agency as many qualified and
22 competent examiners as may be necessary for proceedings
23 pursuant to sections 7 and 8. Examiners shall be assigned
24 to cases in rotation so far as practicable and shall perform no

1 duties inconsistent with their duties and responsibilities as
2 examiners. Agencies occasionally or temporarily insuf-
3 ficiently staffed may utilize examiners selected by the Com-
4 mission from and with the consent of other agencies.

5 “(b) Examiners shall be removable by the agency in
6 which they are employed only for good cause established and
7 determined by the Civil Service Commission (hereinafter
8 called the Commission) after opportunity for hearing and
9 upon the record thereof.

10 “(c) The provisions of the Performance Rating Act of
11 1950, as amended (5 U.S.C. 2001ff), and the provisions
12 of sections 507(a)(5), 701(a)(B), and 703(b)(2) of
13 the Classification Act of 1949, as amended (5 U.S.C. 1107
14 (a)(5), 1121(a)(B), and 1123(b)(2)), shall not be
15 applicable to examiners.

16 “(d) Examiners employed by the Department of Agri-
17 culture, Department of Labor, Federal Maritime Board
18 (Department of Commerce), Atomic Energy Commission,
19 Federal Communications Commission, Federal Power Com-
20 mission, Federal Trade Commission, Civil Aeronautics
21 Board, Interstate Commerce Commission, National Labor
22 Relations Board, Securities and Exchange Commission, Sub-
23 versive Activities Control Board, Post Office Department,
24 the Office of Alien Property (Department of Justice), and

1 the Federal Reserve System shall receive compensation at
2 a rate equivalent to that prescribed for grade GS-16 by the
3 Classification Act of 1949, now or as hereafter amended.
4 All other examiners shall receive compensation at a rate
5 equivalent to that prescribed for grade GS-14 by the Clas-
6 sification Act of 1949, now or as hereafter amended.—Agen-
7 cies having ten or more examiners may designate one exam-
8 iner as the chief examiner to have the administrative man-
9 agement responsibility for the hearings program of the
10 agency. The examiner so designated to exercise this respon-
11 sibility shall receive \$500 per annum in addition to his com-
12 pensation as an examiner.

13 “(c) For the purposes of this section the Commission
14 is authorized to make investigations, require reports by agen-
15 cies, issue reports, including an annual report to the Con-
16 gress, promulgate rules, appoint such advisory committees
17 as may be deemed necessary, recommend legislation, sub-
18 pena witnesses or records, and pay witness fees as estab-
19 lished for the United States courts.”

20 SEC. 202. Hearing examiners receiving a rate of com-
21 pensation immediately prior to the effective date of this
22 Act in excess of the new rate of the level as determined
23 under section 201 of this Act may continue to receive such
24 rate so long as they remain in the same position, but when

1 any such position becomes vacant, the rate of compensation
2 of any subsequent appointee shall be fixed in accordance
3 with this Act.

4 SEC. 203. This title shall take effect at the beginning
5 of the first day of the first pay period which begins sixty
6 days after the date of enactment.

7 That (a) section 505 of the Classification Act of 1949,
8 as amended (5 U.S.C. 1105), is further amended as fol-
9 lows:

10 (1) Subsection (b) is amended to read as follows:

11 “(b) Subject to subsections (c) to (l), inclusive, of this
12 section, a majority of the Civil Service Commissioners are
13 authorized to establish and, from time to time, revise the maxi-
14 mum numbers of positions (not to exceed fourteen hundred
15 and twenty-seven) which may be in grades 16, 17, and 18 of
16 the General Schedule at any one time, except that under such
17 authority such maximum number of positions shall not exceed
18 three hundred and fifty-seven for grade 17 and one hundred
19 and sixty for grade 18, and not to exceed an additional one
20 hundred such positions may be established by the Commission
21 upon a determination by the President of initial need there-
22 for.”

23 (2) Subsection (g) is amended by inserting before

1 *the period at the end of the first sentence the following:*
2 *“and a total of six positions in grade 16 of the General*
3 *Schedule”; and by inserting the word “grades” in place*
4 *of the word “grade” in the second sentence;*

5 *(3) In subsection (j) strike out “three hundred*
6 *seventy-two” and insert “four hundred”.*

7 *(b) Subsection (b) of the first section of the Act of*
8 *September 23, 1959 (73 Stat. 700), is hereby repealed.*

9 *(c) Positions in grade 16, 17, or 18, as the case may be,*
10 *of the General Schedule of the Classification Act of 1949, as*
11 *amended, immediately prior to the effective date of this sec-*
12 *tion, shall remain, on and after such effective date, in their*
13 *respective grades, until other action is taken under the pro-*
14 *visions of section 505 of the Classification Act of 1949 as in*
15 *effect on and after such effective date.*

16 *SEC. 2. Section 2 of the Act of May 29, 1959 (73*
17 *Stat. 63; Public Law 86-36), is amended by inserting*
18 *“sixty-two” in place of “fifty”.*

19 *SEC. 3. (a) The first section of the Act of August 1,*
20 *1947, as amended (Public Law 313, Eightieth Congress;*
21 *5 U.S.C. 1161), is further amended as follows:*

22 *(1) In subsection (d), by inserting “eight” in place*
23 *of “five”;*

24 *(2) In subsection (e), by inserting “eighteen” in*
25 *place of “fifteen”;*

1 (3) In subsection (f), by inserting "thirteen" in
2 place of "ten"; and

3 (4) In subsection (g), by inserting "twenty-eight" in
4 place of "twenty-five".

5 (5) Such section is further amended by adding at
6 the end thereof the following new subsections:

7 “(i) The Postmaster General is authorized to establish
8 and fix the compensation for not more than three scientific
9 or professional positions in the Post Office Department, each
10 such position being established to effectuate those research
11 and development functions of such Department which require
12 the services of specially qualified personnel.

13 “(j) The Librarian of Congress is authorized to estab-
14 lish and fix the compensation for not more than four scien-
15 tific or professional positions in the Library of Congress,
16 each such position being established to carry out research
17 and development functions of the Library which require
18 the services of specially qualified personnel.”

19 (b) Section 2 of such Act is amended by adding the
20 following new sentence: “This section shall not apply to
21 positions in the Library of Congress.”

22 (c) Section 3 of such Act is amended by inserting after
23 “Secretary of Health, Education, and Welfare” a comma
24 and the following: “the Postmaster General,” and by insert-

1 ing after “Department of Health, Education, and Welfare”
 2 a comma and the following: “the Post Office Department,”.

3 SEC. 4. (a) Section 1581(a) of title 10 of the United
 4 States Code is amended by inserting “five hundred twenty-
 5 five” in place of “four hundred fifty”.

6 (b) Section 4 of the Act of May 29, 1959 (73 Stat.
 7 63; Public Law 86-36), is amended by inserting “sixty”
 8 in place of “fifty”.

9 (c) Section 302(f) of the Federal Aviation Act of
 10 1958 (72 Stat. 746; 49 U.S.C. 1343(d)) is amended
 11 by inserting “twenty-five” in place of “ten”.

12 (d) Section 302(h) of the Federal Aviation Act of
 13 1958 (72 Stat. 746; 49 U.S.C. 1343(f)) is amended by
 14 inserting “twenty” in place of “fifteen”.

15 (e) Section 203(b)(2) of the National Aeronautics
 16 and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)
 17 (2)) is amended by inserting “four hundred and twenty-
 18 five” in place of “two hundred and ninety”.

Amend the title so as to read: “A bill to increase the
 limitation on the number of positions that may be placed in
 the top grades of the Classification Act of 1949, as amended,
 and the limitation on the number of research and develop-
 ment positions of scientists and engineers for which special
 rates of pay are authorized, and for other purposes.”

**A
BILL**

To increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

By Mr. JOHNSTON

APRIL 27, 1961

Read twice and referred to the Committee on Post
Office and Civil Service

SEPTEMBER 12, 1961

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

Issued September 19, 1961
For actions of September 18, 1961
87th-1st, No. 164

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HIGHLIGHTS: House passed bills to: Permit wheat producers to withdraw from stored excess for under-production; exempt durum wheat in certain California counties from allotments and quotas; provide additional supergrades; clarify and simplify operations of Farm Credit agencies. House rejected bill to permit farms on which summer fallow is practiced to participate in feed grains program. Rep. Elliott introduced and discussed poultry bill.

HOUSE

1. WHEAT. Passed as reported S. 1107, to continue to exempt the production of durum wheat in portions of Modoc and Siskiyou Counties, Calif. (Tulelake area), from acreage allotments and marketing quota restrictions. p. 18824
Passed as reported H. R. 8842, to amend the Agricultural Act of 1961 so as to permit a wheat producer to withdraw from his stored excess the amount of wheat by which he fails to make his normal production on the reduced acreage allotment, less the acres voluntarily retired below the allotment. p. 18826
2. FARM LOANS. Passed as reported S. 1040, to abolish the Federal Farm Mortgage Corporation. pp. 18823-4
Passed without amendment S. 1927, to make a number of amendments to simplify and clarify the operations of institutions supervised by FCA. This bill will now be sent to the President. p. 18904
3. POULTRY. Passed as reported H. R. 7866, to extend the Poultry Products Inspection Act to Puerto Rico and the Virgin Islands. p. 18823

4. RICE. Passed without amendment H. R. 9013, to provide for the transfer of rice acreage history where a producer withdraws from the production of rice. pp. 18826-7

*

5. FEED GRAINS. By a vote of 213 to 149, defeated a motion to pass under suspension of the rules H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley. pp. 18826-18855-61

6. SUPERGRADES. By a vote of 305 to 53, passed under suspension of the rules H. R. 7377, to increase the limitation on the number of supergrades, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized. pp. 18861-5, 18865-70

7. PEACE CORPS. Conferees were appointed on H. R. 7500, to provide for a Peace Corps. pp. 18817-8

The "Daily Digest" states that "Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H. R. 7500, providing for the establishment of a Peace Corps." p. D871

8. EDUCATION. Passed without amendment H. R. 9053, to amend the National Defense Education Act to provide that loans made under title II will be made for the academic year rather than the fiscal year. p. 18826

By a vote of 342 to 18, passed under suspension of the rules (in lieu of H. R. 8900) S. 2393, to extend for 2 years the authority for Federal assistance for the construction and operation of schools in federally impacted areas and the National Defense Education Act. pp. 18831-4

9. APPROPRIATIONS. Received the conference report on H. R. 8302, the military construction appropriation bill (H. Rept. 1201). pp. 18850-1

10. WATERSHEDS. Passed as reported H. R. 3801, to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water. pp. 18818-20

11. RECREATION. Passed as reported H. R. 4934, to authorize the Secretary of Agriculture to modify certain leases entered into for the provisions of recreation facilities in reservoir areas. p. 18904

12. PURCHASING. Passed without amendment H. R. 8741, to grant to all Federal agencies the authority to waive performance and payment bonds otherwise required under the Miller Act with respect to cost-plus-a-fixed fee and cost-type contracts for the construction, alteration, or repair of building or public works and with supply contracts. p. 18830

13. FOREIGN AID. Passed without amendment H. R. 7791, to provide for the collection and publication of foreign commerce and trade statistics. pp. 18827-8

14. PERSONNEL. Passed without amendment H. R. 8565, to amend Public Law 763, 83d Congress, so as to permit firefighters to voluntarily elect to be paid at the

*Although a majority voted for the bill, a two-thirds majority is necessary under a motion to suspend.

[Roll No. 213]

YEAS—213

Abbott
Abernethy
Adair
Albert
Alexander
Alford
Andrews
Ashley
Ashmore
Aspinall
Avery
Bailey
Baring
Barrett
Battin
Beckworth
Belcher
Bennett, Fla.
Blatnik
Blitch
Boland
Bolling
Bonner
Boykin
Brademas
Bray
Breeding
Burke, Ky.
Burke, Mass.
Burlison
Byrne, Pa.
Cannon
Chelf
Chenoweth
Clark
Coad
Cohelan
Cook
Davis
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Denton
Diggs
Dingell
Dole
Dominick
Donohue
Dowdy
Downing
Doyle
Edmondson
Elliot
Ellsworth
Everett
Evins
Farbstein
Finnegan
Fisher
Flood
Flynt
Forrester
Fountain
Friedel
Garmatz
Gary
Gathings
Gialmo
Gilbert
Granahan

Grant
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.
Hagen, Calif.
Halleck
Hansen
Harding
Hardy
Harris
Harvey, Ind.
Hays
Healey
Heckler
Hemphill
Henderson
Holfield
Horan
Huddleston
Hull
Ichord, Mo.
Ikard, Tex.
Inouye
Jarman
Jennings
Jones, Ala.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
Kilday
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kornegay
Kowalski
Landrum
Lane
Lankford
Latta
Lennon
Lesinski
Libonati
Loser
McCormack
McDowell
McFall
McMillan
McVey
Macdonald
Mack
Madden
Magnuson
Mahon
Matthews
May
Miller, Clem
Miller, George P.
Mills
Moeller
Montoya
Moorhead, Pa.
Morgan
Morris
Moss

Murphy
Murray
Natcher
Nix
Nygaard
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Passman
Patman
Perkins
Peterson
Philbin
Poage
Price
Pucinski
Randall
Relfel
Rhodes, Ariz.
Rhodes, Pa.
Riley
Rivers, Alaska
Rivers, S.C.
Roberts
Rogers, Colo.
Rooney
Rostenkowski
Roudebush
Roush
Rutherford
Ryan
Santangelo
Scott
Seiden
Sheppard
Shipley
Short
Shriver
Sikes
Sisk
Smith, Iowa
Smith, Miss.
Smith, Va.
Springer
Steed
Stephens
Stubblefield
Sullivan
Teague, Tex.
Thompson, N.J.
Thornberry
Toll
Trimble
Tuck
Udall, Morris K.
Ullman
Watts
Whitener
Whitten
Wickersham
Williams
Wilson, Ind.
Winstead
Wright
Yates
Zablocki
Zelenko

NAYS—149

Addabbo
Addonizio
Alger
Andersen, Minn.
Anderson, Ill.
Ashbrook
Auchincloss
Baker
Baldwin
Barry
Bass, N.H.
Bates
Becker
Beermann
Bennett, Mich.
Betts
Bolton
Bow
Brewster
Bromwell
Broomfield
Brown
Brophy
Bruce
Cahill
Cederberg

Chamberlain
Church
Clancy
Collier
Conte
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mass.
Curtis, Mo.
Daniels
Dent
Derounian
Devine
Dorn
Dulski
Durno
Dwyer
Fallon
Fascell
Feighan
Fenton
Findley
Fino
Fogarty

Frelinghuysen
Fulton
Gallagher
Garland
Gavin
Glenn
Goodling
Griffin
Gross
Gubser
Haley
Harrison, Wyo.
Harsha
Harvey, Mich.
Herlong
Hiestand
Hoffman, Ill.
Hoffman, Mich.
Holland
Hosmer
Jensen
Joelson
Johansen
Johnson, Md.
Jonas
Judd
Keith

King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Lindsay
Lipscomb
McCulloch
McIntire
MacGregor
Mailliard
Marshall
Martin, Mass.
Mason
Mathias
Meador
Merrow
Michel
Miller, N.Y.
Milliken
Minshall
Monagan
Moore

Moorehead, Ohio
Morse
Mosher
Nelsen
Norblad
Ostertag
Pike
Pillion
Poff
Quile
Ray
Reece
Riehlman
Robison
Rodino
Rogers, Fla.
Rousselot
St. Germain
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker

Schwengel
Scranton
Seely-Brown
Sibal
Smith, Calif.
Stafford
Staggers
Stratton
Taber
Thomson, Wis.
Tollefson
Tupper
Vanik
Van Pelt
Van Zandt
Wallhauser
Walter
Weis
Whalley
Wharton
Widnall
Wilson, Calif.

NOT VOTING—73

Anfuso
Arendson
Ayres
Bass, Tenn.
Bell
Berry
Boggs
Brooks
Buckley
Byrnes, Wis.
Carey
Casey
Celler
Chiperfield
Colmer
Cooley
Daddario
Daguerre
Derwinski
Dooley
Ford
Frazier
Goodell
Hall

Halpern
Harrison, Va.
Hébert
Hoeven
Holtzman
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Kearns
Kilburn
Kluczynski
McDonough
McSween
Martin, Nebr.
Morrison
Moulder
Multer
Norrell
Osmers
Pelly
Pfost
Pilcher
Pirnie
Powell

Rabaut
Rains
Reuss
Rogers, Tex.
Roosevelt
St. George
Saund
Saylor
Shelley
Siler
Slack
Spence
Taylor
Teague, Calif.
Thomas
Thompson, La.
Thompson, Tex.
Utt
Vinson
Weaver
Westland
Willis
Young
Younger

So (two-thirds not having voted in favor thereof) the motion was rejected. The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Rains for, with Mr. Kilburn against.
Mr. Frazier and Mr. Cooley for, with Mr. Hoeven against.
Mr. Thompson of Texas and Mr. Buckley for, with Mr. Pelly against.
Mr. Berry and Mr. Arends for, with Mr. Ford against.
Mr. Anfuso and Mr. Multer for, with Mr. Pirnie against.
Mr. Powell and Mr. Holtzman for, with Mr. Hall against.
Mr. Celler and Mr. Carey for, with Mr. Martin of Nebraska against.
Mr. Boggs and Mr. Bass of Tennessee for, with Mr. McDonough against.
Mr. Brooks and Mr. Harrison of Virginia for, with Mr. Younger against.
Mr. Shelley and Mr. Willis for, with Mrs. St. George against.
Mr. Roosevelt and Mr. Pilcher for, with Mr. Bell against.
Mr. Rogers of Texas and Mr. Colmer for, with Mr. Byrnes of Wisconsin against.
Mr. Morrison and Mr. Thompson of Louisiana for, with Mr. Osmers against.
Mr. Daddario and Mr. Kluczynski for, with Mr. Utt against.

Until further notice:

Mr. McSween with Mr. Ayres.
Mrs. Pfost with Mr. Saylor.
Mr. Moulder with Mr. Siler.
Mrs. Norrell with Mr. Chiperfield.
Mr. Rabaut with Mr. Dooley.
Mr. Reuss with Mr. Weaver.
Mr. Saund with Mr. Kearns.
Mr. Casey with Mr. Goodell.
Mr. Johnson of California with Mr. Derwinski.

Mr. Johnson of Wisconsin with Mr. Westland.

Mr. Young with Mr. Halpern.

Mr. Slack with Mr. Teague of California.

Mr. ADDONIZIO changed his vote from "yea" to "nay."

Mr. AUCHINCLOSS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

PERSONAL ANNOUNCEMENT

Mr. SANTANGELO. Mr. Speaker, on rollcalls 210, 211, and 212 earlier today I was unavoidably absent on official business. Had I been present, I would have voted "yea" in each instance.

INCREASE IN TOP GRADE POSITIONS

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

Congressional findings and declaration of policy with respect to top grades of classification act of 1949

SEC. 101. (a) The Congress hereby finds that—

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

(4) this legislative authority, duty, and jurisdiction of such committees, and the

orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregarded the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

Increase in number of authorized top grade positions under Classification Act of 1949

SEC. 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

“(b) Subject to subsections (c), (d), (e), (f), (g), (j), and (m) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed nineteen hundred and twenty-nine) which may be in grades 16, 17, and 18 of the General Schedule at any one time.”

(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105(j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949,

is amended by striking out “three hundred seventy-two positions” and inserting in lieu thereof “four hundred twelve positions”.

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsections:

“(m) The Federal Home Loan Bank Board is authorized, subject to the standards and procedures prescribed by this Act, to allot a total of not more than four positions in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

“(n) The Director of the United States Arms Control Agency is authorized, subject to the standards and procedures prescribed by this Act, to allot a total of not more than fourteen positions in grades 16, 17, and 18 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b).

“(o) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress.”

(d) Subsection (n) of section 505 of the Classification Act of 1949, as amended, as added by subsection (c) of this section, which provides top grade positions for the United States Arms Control Agency, shall not be in effect after December 31, 1961, unless, on or prior to such date, such agency shall have been established by law.

Conforming changes in existing law

SEC. 103. The following provisions of law are hereby repealed:

(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(f), (k), and (l)), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17, and 18 of the General Schedule of such Act for the National Security Council, the Department of the Treasury, and the Interstate Commerce Commission, respectively.

(2) Sections 202(b) and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C. 1322(b) and 1343(h)), authorizing eight positions and seventy positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 for the Civil Aeronautics Board and the Federal Aviation Agency, respectively.

(3) The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), authorizing fifteen positions in grades 16, 17, and 18 of such General Schedule for the Small Business Administration.

(4) Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669), authorizing five positions in grades 16, 17, and 18 of such General Schedule for the National Capital Transportation Agency.

(5) The proviso in the paragraph under the heading “FEDERAL POWER COMMISSION” and under the subheading “SALARIES AND EXPENSES” in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626), authorizing six positions in grades 16, 17, and 18 of such Gen-

eral Schedule for the Federal Power Commission.

(6) The proviso in the paragraph under the heading “CIVIL AERONAUTICS BOARD” and under the subheading “SALARIES AND EXPENSES” in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing ten positions in such grades 16, 17, and 18 for the Civil Aeronautics Board.

(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377), containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

“(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective numbers of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective numbers of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act.”

(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note), authorizing the Secretary of Defense to place ten positions in such grades 16, 17, and 18, which reads as follows: “, and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended”.

(9) The last paragraph under the heading “GENERAL SERVICES ADMINISTRATION” in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress), authorizing ten positions in grade 16 of the General Schedule of the Classification Act of 1949 for the General Services Administration.

(10) That part of the second sentence of section 3 of Reorganization Plan Numbered 1 of 1958, effective July 1, 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not to exceed ten positions of regional director of the regional offices of the Office of Civil and Defense Mobilization to receive compensation under the Classification Act of 1949 without regard to the numerical limitations on positions in section 505 of such Act, which reads as follows: “except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105)”.

(11) The paragraph under the heading “COMMODITY CREDIT CORPORATION” in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h, note), authorizing the position of sales manager in the Commodity Credit Corporation to be placed in grade 17 of the General Schedule of the Classification Act of 1949.

(12) Section 302 of the Act of July 31, 1956 (70 Stat. 743; 5 U.S.C. 517c), authorizing three positions of Deputy Administrator of the Agricultural Research Service, Department of Agriculture, to be placed in grade 18 of such General Schedule.

(13) That part of the first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167), which reads as follows: “the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numeri-

cal limitation contained in section 505 of said Act;".

(14) That part of the sixth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b(a)), authorizing the position of Director of the Bureau of Commercial Fisheries, and of Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, to be placed in grade 17 of the General Schedule of the Classification Act of 1949, which reads: "at Grades GS-17 each".

(15) The second proviso in the paragraph under the heading "CIVIL AERONAUTICS ADMINISTRATION" and under the subheading "OPERATION AND REGULATION" in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343, note), authorizing ten positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949.

Savings provisions

SEC. 104. (a) The changes in existing law made by sections 102 and 103 of this title shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) Positions in grades 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

Increase in number of positions of a security nature in the National Security Agency under the Act of May 29, 1959

SEC. 201. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish positions in the National Security Agency, is amended by striking out "Not more than fifty such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule." and inserting in lieu thereof the following: "Not more than seventy such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule."

Increase in number of scientific and professional positions under the Act of August 1, 1947 (Public Law 313, Eightieth Congress)

SEC. 202. (a) The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), is amended to read as follows:

"That (a) the Secretary of the Interior is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than twenty scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(c) The Secretary of Health, Education, and Welfare is authorized to establish and

fix the compensation for not more than thirteen scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than thirty scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(f) The Director of the United States Arms Control Agency is authorized to establish and fix the compensation for not more than fourteen scientific or professional positions in the United States Arms Control Agency, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel.

"SEC. 2. (a) Positions created pursuant to this Act shall be included in the competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

"(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.

"(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

"SEC. 3. The head of each department or agency authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in his department or agency during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance in which any such department or agency head may consider full public report on these items detrimental to the national security, such department or agency head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

(b) Subsection (f) of the first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, as added by subsection (a) of this section, which provides scientific and professional positions for the United States Arms Control Agency, shall

not be in effect after December 31, 1961, unless, on or prior to such date, such Agency shall have been established by law.

Increase in number of scientific and professional positions in Department of Defense under section 1581(a) of title 10, United States Code

SEC. 203. Section 1581(a) of title 10 of the United States Code, authorizing the Secretary of Defense to establish not more than four hundred fifty scientific and professional positions in the Department of Defense, is amended by striking out "four hundred fifty civilian positions" and inserting in lieu thereof "five hundred thirty-five civilian positions".

Increase in number of scientific and professional positions in the National Security Agency under the act of May 29, 1959

SEC. 204. Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish not more than fifty scientific and professional positions in the National Security Agency, is amended by striking out "fifty civilian positions" and inserting in lieu thereof "sixty civilian positions".

Increase in number of scientific and professional positions in the Federal Aviation Agency under section 302(h) of the Federal Aviation Act of 1958

SEC. 205. (a) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)), authorizing the Administrator of the Federal Aviation Agency to establish not more than fifteen scientific and professional positions in the Federal Aviation Agency, is amended by striking out "fifteen positions" and inserting in lieu thereof "twenty positions".

(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed \$19,500, is amended by striking out "ten positions" and inserting in lieu thereof "twenty positions".

Increase in number of scientific, engineering, and administrative positions in the National Aeronautics and Space Administration under section 203(b)(2) of the National Aeronautics and Space Act of 1958

SEC. 206. (a) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), authorizing the Administrator of the National Aeronautics and Space Administration to establish not more than two hundred and ninety scientific, engineering, and administrative positions in the National Aeronautics and Space Administration, is amended by striking out "two hundred and ninety" and inserting in lieu thereof "three hundred and fifty-five".

(b)(1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

(A) the number of positions established under section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2));

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

TITLE III—REALIGNMENT OF COMPENSATION OF CERTAIN POSITIONS UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE PAY ACT OF 1956

Removal of certain positions from the purview of the Federal Executive Pay Act of 1956

SEC. 301. (a) Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out the following paragraphs:

"(2) Administrator, Bonneville Power Administration."

"(3) Administrator, Farmers' Home Administration."

"(4) Administrator, Soil Conservation Service, Department of Agriculture."

"(9) Chief Forester of the Forest Service, Department of Agriculture."

"(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation."

"(11) Commissioner of Customs."

"(12) Commissioner, Federal Supply Service, General Services Administration."

"(14) Commissioner of Narcotics."

"(15) Commissioner, Public Buildings Service."

"(17) Commissioner of Reclamation."

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."

and

"(23) Director of Coal Research, Department of the Interior."

(b) Section 107(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(b)), providing annual compensation of \$17,000 for certain positions, is amended by striking out

"(2) Treasurer of the United States."

Conforming changes in existing law

SEC. 302. (a) The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of \$17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: "Provided, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended."

(b) (1) There is hereby repealed the second sentence of section 4201 of title 18 of the United States Code, providing annual compensation of \$17,500 for each member of the Board of Parole in the Department of Justice, which reads as follows: "The annual rate of basic compensation of each member of the Board shall be \$17,500."

(2) The section heading of such section 4201 is amended by striking out "; salaries".

(3) The table of contents of chapter 311 of such title 18 is amended by striking out

"4201. Board of Parole; members; salaries."

and inserting in lieu thereof

"4201. Board of Parole; members."

(c) Notwithstanding any other provision of law, the rate of gross annual compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be an amount which is equal to \$17,500, as increased in the manner provided by section 4(r) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462) and section 117(g) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 304; Public Law 86-568).

(d) On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.

(e) (1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out

"(1) Architect of the Capitol."

(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

"(5) Assistant Architect of the Capitol."

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—

(1) by striking out "\$8,880" where it first appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,"; and

(2) by striking out "\$8,880" at the second place where it appears in such subsection and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended."

(g) (1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of Rule XI of the House of Representatives is amended—

(A) by striking out "\$8,880" where it first appears in such clause and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended,"; and

(B) by striking out "\$8,880" at the second place where it appears in such clause and inserting in lieu thereof "the highest amount which, together with additional compensation authorized by law, will not exceed the maximum rate authorized by the Classification Act of 1949, as amended."

Readjustment of certain pay levels of the Federal Executive Pay Act of 1956 and realignment of compensation for positions in such pay levels and certain positions of Presidential assistants with the compensation for positions in grade 18 of the Classification Act of 1949

SEC. 303. (a) Section 106(c) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(c)), providing annual compensation of \$18,000 for the Commissioners of

the Indian Claims Commission, is hereby repealed.

(b) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended—

(1) by striking out "\$17,500" and inserting in lieu thereof "\$18,500"; and

(2) by adding immediately below paragraph (23) thereof the following new paragraph (24):

"(24) Commissioner of the Indian Claims Commission (3)."

(c) Section 107(b) of such Act, as amended (5 U.S.C. 2206(b)), providing annual compensation of \$17,000 for certain positions, is amended by striking out "\$17,000" and inserting in lieu thereof "\$18,000".

(d) Section 105 of title 3 of the United States Code, providing for the compensation of certain assistants to the President, is amended by striking out "\$17,500" and inserting in lieu thereof "\$18,500".

(e) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), providing annual compensation of \$20,000 for certain positions, is amended by inserting

"(48) General Counsel, United States Arms Control Agency."

"(49) Public Affairs Advisor, United States Arms Control Agency."

Immediately following

"(47) Commissioner of Education."

Savings provisions

SEC. 304. Except as provided by subsections (a), (c), (d), (e), (f), and (g) of section 302 of this title, each position specifically referred to in or covered by any amendment made by sections 301 and 302 of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act. The incumbent of each such position immediately prior to the effective date of this section shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

Effective dates

SEC. 306. (a) The foregoing provisions of this title (except sec. 303(e)) shall become effective at the beginning of the first pay period which begins on or after the 60th day following the date of enactment of this Act.

(b) Paragraphs (48) and (49) of section 106(a) of the Federal Executive Pay Act of 1956, as amended, as added by section 303(e) of this title, which establish annual compensation of \$20,000 for the positions of General Counsel and Public Affairs Advisor, respectively, in the United States Arms Control Agency, shall not be in effect after December 31, 1961, unless, on or prior to such date, such Agency shall have been established by law.

TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

Increase in number of authorized top salary level positions in the Postal Field Service

SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the end thereof the following new sentence: "In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Post-

master General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine."

Amend the title so as to read: "A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

The SPEAKER pro tempore. Is a second demanded?

Mr. BOW. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. MURRAY. I will be glad to yield to the gentleman.

Mr. HALLECK. I have asked the gentleman to yield for the purpose of inquiring of the acting majority leader as to the program for the balance of the day and for as much of the rest of the week as he can tell us.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I would like to advise the distinguished minority leader and the Members of the House that we plan to continue with the suspensions that have been programed for the balance of the day.

Tomorrow is Private Calendar Day and we will go on with bills previously programed: H.R. 9118, establish U.S. Arms Control Agency; House Joint Resolution 569, Atomic Energy Act; H.R. 8847, taxes, dividend distribution. The conference report on H.R. 8302, the military construction appropriation bill will probably be called before any of these bills.

On Wednesday, H.R. 7723, Armed Forces, per diem rates increased, and the chairman of the Committee on the District of Columbia desires to call up certain bills.

Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday next for the chairman of the Committee on the District of Columbia to call up certain bills which I shall read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. S. 158, adoption petition; S. 558, exemption of fees; S. 564, operation expenses, Woodrow Wilson Bridge; S. 1291, drivers' licenses, increase fee, learners' permits; S. 2397, National Capital Transportation Agency, carry out part 1.

I am also advised that the chairman of the Committee on Ways and Means will ask unanimous consent to consider the following bills:

H.R. 221, tax on tires and inner tubes.

H.R. 7859, credit against estate tax.

H.R. 8652, income tax treatment conversion from street railway to bus operation.

S. 1750, to strengthen Federal Firearms Act.

Mr. Speaker, I ask unanimous consent that all rollcall votes, except those on procedural matters, on Wednesday, September 20, be postponed until Thursday, September 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALLECK. Mr. Speaker, the gentleman refers to certain bills out of the Ways and Means Committee which will be called up under consent request. In order that there may be no misunderstanding, I have not had an opportunity to look over those bills or discuss them with our members on the Ways and Means Committee; so, as far as I am concerned, I have made no agreement with respect to them, but I will undertake to find out whether or not it is satisfactory.

Mr. ALBERT. The gentleman from Arkansas intends to call each bill individually by unanimous consent.

INCREASE IN TOP GRADE POSITIONS

The SPEAKER pro tempore. The gentleman from Tennessee is recognized.

Mr. MURRAY. Mr. Speaker, this legislation is based on the official request of the administration for urgently needed position at higher levels of responsibility where the Government faces difficulty in recruiting and retaining capable management, scientific, and professional personnel because of existing limitations on numbers of positions at the appropriate salary levels.

I want to take this opportunity to commend the chairman of our Manpower Utilization Subcommittee, the gentleman from Georgia [Mr. JAMES C. DAVIS] and the entire membership of his subcommittee for their excellent work on this legislation. The bill has the unanimous support of that subcommittee and of the Committee on Post Office and Civil Service. In my judgment, it represents one of the finest products of our committee system which will be considered by the Congress this year.

The subcommittee conducted extensive hearings during the period June 20 to August 18, and held a number of executive sessions before reporting this bill. Aside from the hearings, the subcommittee also made an independent study in depth of the requirements of each department and agency with respect to all of the various categories of positions which had been requested. I can personally assure the membership that, on the basis of the thorough committee scrutiny and evaluation, every request for a position and for a salary level in this bill has been fully documented and completely justified.

I strongly urge approval of H.R. 7377.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. Gross].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, it is with reluctance that I rise in support of H.R. 7377.

Mr. Speaker, I base my support on these reasons: First, if additional top management jobs are to be provided the departments and agencies it must be done in an orderly and legal fashion; second, there are places within the Federal Government where some additional top management and research and engineering jobs are needed; and third, unless the Congress recognizes the request for additional top jobs then we will likely have a much more costly alternative of high-price consultants and excessive contractor costs.

The Legislative Reorganization Act of 1946 provides that the Senate and House Post Office and Civil Service Committee shall have jurisdiction over the numbers and pay of classified employees. Despite this longstanding legal requirement, we have had during this session of Congress as wild an outburst for additional supergrades from committees other than the Post Office and Civil Service Committee as I have ever witnessed during my years in Congress. We can never hope to control this very important civil service matter unless we insist upon its orderly handling as prescribed by the Legislative Reorganization Act.

After hearing from several different departments and agencies, the Manpower Utilization Subcommittee, which is charged with the responsibility by the Post Office and Civil Service Committee for controlling supergrades, came up with this bill, and our recommendations were unanimously adopted by the full committee. We believe this bill, H.R. 7377, represents the orderly and legal way for Congress to recognize the need for additional top jobs in the Federal Government.

As to my second point, H.R. 7377 by providing an additional 668 top-level jobs recognizes additional requests and more complex functional areas in such departments as Defense, National Aeronautics and Space Administration, Federal Aviation Agency, and the Post Office. The rapid growth of our country, as reflected in the operations of the Post Office Department and the Federal Aviation Agency, and the increased complexities of some phases of Government, as revealed by the cold war and our space program, mean additional requirements for top-level people. We feel that this bill adequately meets those additional requirements.

As to my third point, unless the Congress does provide a certain number of additional top jobs to the departments and agencies we can undoubtedly expect a much more costly alternative; namely, the \$75 to \$100 per day consultants, or the more expensive cost-plus contractors. As for example, during the hearings this summer on H.R. 7377 our subcommittee learned from the Under Secretary of the Air Force that the Department has created a cost-plus corporation to manage its missile program; namely, Aero Space Corporation, which is paying its President \$75,000 a year and five vice presidents at salaries ranging from \$35,000 to \$50,000 a year. I am opposed to such business and hope

that this bill will at least put the brakes on such extravagant manpower costs.

Mr. Speaker, I believe, and again I say it with reluctance, that H.R. 7377 should be passed.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. Could the gentleman advise the House what this total package is going to cost?

Mr. GROSS. I would say somewhere between \$3 and \$5 million. It is not easy to estimate.

Mr. BOW. Does that include the supergrades we are establishing in the form of other specialist positions? Are they included in the \$3 to \$4 million that the record shows?

Mr. GROSS. I think that would be the fact.

Mr. Speaker, this bill is in the nature of a trial run as far as I am concerned. This is an attempt to control the supergrade situation which is rapidly getting out of hand. If this fails then we may as well throw civil service procedure into the discard insofar as trying to control top bracket salaries in the Government.

The original mistake was made when this system of supergrades was established before my time in Congress. This is an attempt to keep a bad situation from becoming worse.

Mr. MURRAY. Mr. Speaker, I yield 8 minutes to the gentleman from Georgia [Mr. JAMES C. DAVIS].

Mr. JAMES C. DAVIS. Mr. Speaker, I rise in support of H.R. 7377.

The three basic purposes of this legislation are: First, to reaffirm by declaration of congressional policy that requests for additional numbers of supergrade positions are properly within the jurisdiction of the Committee on Post Office and Civil Service of the House of Representatives; second, to increase the number of top level positions in the Federal Government, and, third, to amend and adjust the Federal Executive Pay Act of 1956.

The Committee on Post Office and Civil Service in the House has for some time been gravely concerned by the large number of bills that each year come from other committees, other than our committee, to provide additional supergrade positions for the executive branch. During this first session of the 87th Congress, there have been some 45 bills. In my opinion, the situation simply got out of hand.

Section 101 of this bill reaffirms and puts into law the responsibility and jurisdiction of the Committees on Post Office and Civil Service in the House and in the Senate over supergrades in the Classification Act. By so reaffirming and putting into law this statement, I believe we will avoid the outbreak of supergrades from committees other than the Post Office and Civil Service, which has become so noticeable.

As to new positions, this bill provides for a total of 668 additional top-level jobs, broken down as follows: 414 supergrades, 214 scientific type, and 40 for the postal field service of the Post Office Department.

The Manpower Utilization Subcommittee, of which I am chairman, spent considerable time with the chairman of the Civil Service Commission and the heads of nine other departments and agencies concerning their needs for additional top jobs. As a result of these hearings the subcommittee arrived at the finding which I have just mentioned. I am proud to state that our recommendations were unanimously adopted by the Post Office and Civil Service Committee.

This bill provides 370 additional supergrades specifically to the Civil Service Commission for their allocation to the departments and agencies.

Several Members have asked questions as to the specific number of jobs the bill contains for particular departments and agencies. Except for two or three departments, notably Defense, the additional positions have been assigned to the Civil Service Commission to be reassigned by the Commission to the departments and agencies.

The Civil Service Commission is also given additional authority under H.R. 7377, over 451 supergrades that are currently allocated to 14 departments and agencies. We believe the Civil Service Commission should have this additional authority and that by so providing we have likewise strengthened the control of Congress over supergrade positions.

H.R. 7377 recognizes the need in the Civil Service Commission and in departments and agencies for greater flexibility in the use of supergrade jobs by removing limitations on the numbers of positions that can be in grades GS-17 and GS-18. The administration requested this removal and the committee concurred.

In recognition of the growing demands in our Government for emphasis on research and the applications of research, be it for example in the missile race, aviation, medicine, or food preservation, this bill provides for 214 scientific and engineering type jobs paying from \$12,500 to \$19,500 per year. The largest numbers were earmarked to the Defense Department; namely, 85, and 65 for the National Aeronautics and Space Administration.

When the Federal Executive Pay Act of 1956 was passed the positions receiving the lowest rate of compensation under that act were paid a minimum rate of \$500 less than the maximum rate under the Classification Act of 1949. Since 1956 employees, subject to the Classification Act of 1949, received two increases in compensation, but no general increases have been granted positions under the Federal Executive Pay Act. This has resulted in situations whereby heads of agencies and bureaus, whose positions are under the Federal Executive Pay Act, are receiving as much as \$1,000 per year less than their deputies or assistants who are under the Classification Act.

This bill removes 20 of these positions, as for example the positions of the Administrator of Farmers Home Administration, Commissioner of Customs, and Commissioner of Public Buildings Serv-

ice from the Federal Executive Pay Act and places them under the Classification Act. Many comparable positions, as for example, the Director of the Weather Bureau and Director of Census, have always been under the Classification Act.

Certain other positions now under the Federal Executive Pay Act, as the Deputy Public Printer and three assistants to the President, will remain under this act but will receive salary adjustments of from \$500 to \$1,000 per year to conform with the increases received by the Classification Act employees.

Mr. Speaker, within recent weeks the House has on several occasions, and notably last week on the Peace Corps legislation, voted to remove supergrades from bills coming from other committees. We indicated that the committee was developing a bill to provide for these additional top management needs. In my opinion, today, we have before the House a bill that meets, for the present, the administration's requirements for additional top jobs.

Mr. Speaker, I ask the support of all the Members for the passage of H.R. 7377.

The omnibus bill, Post Office and Civil Service Committee H.R. 7377, is being amended today to include 14 scientific and professional-type jobs; namely, Public Law 313 positions, and 14 supergrade positions to meet the requirements, and two positions at \$20,000 a year; namely, the General Counsel and the public affairs adviser, if and when created, of the U.S. Arms Control Agency.

The U.S. Arms and Control Agency will be discussed later today under H.R. 9118. That bill provides for 45 scientific and supergrade type positions. After several hours of discussion with the able chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania, the Honorable THOMAS E. MORGAN, and with the Deputy to the Adviser to the President on Disarmament, Mr. Adrian S. Fisher, we have reached an agreement whereby the Post Office and Civil Service Committee bill, now under consideration, will provide for an adequate number of top level jobs, if and when the Arms Control Agency is established. The number we are requesting in the Post Office and Civil Service Committee for this proposed agency is 30. This number has been agreed upon, first by Mr. Fisher, Adviser to the President on this matter and, secondly, by Dr. Morgan.

Later today when the House considers H.R. 9118, I will propose an amendment to strike out the 45 supergrades as found in the bill as presently written.

The purpose of this is merely to continue an orderly handling of the top management jobs in the Federal Government; to abide by the Legislative Reorganization Act of 1946, and by the rules of the House.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. TEAGUE of Texas. Mr. Speaker, we have given Mr. James Webb, Administrator of the National Aeronautics and Space Administration, one of the most

difficult jobs in our Government. Mr. Webb is very familiar with our Government, both from the standpoint of work within the Government and from the standpoint of a private citizen. Mr. Webb was Director of the Budget for a number of years and has also occupied a high office in the State Department.

In my opinion, the Congress has done very well as far as providing adequate funds for the program, but unless we provide adequate personnel we may as well not provide the funds. The Bureau of the Budget and Civil Service Commission have given their support to revising the present NASA authorizing legislation to include an additional 135 excepted positions. It is my understanding that this bill provides 65 positions.

The chairman of the subcommittee has stated that NASA could come back before his subcommittee in January, but it is my understanding that NASA has filled all but five of these positions, that research and development teams are never easy to organize and I hope, Mr. Speaker, that the other body will restore these positions and give NASA every change to succeed in accomplishing their most difficult mission.

This is a new organization, there is no real history to go by but the personnel problems have been very carefully worked out within the executive branch of the Government and it is my understanding that within the Bureau of the Budget and the Civil Service Commission there was already a considerable cut in the number of excepted positions requested before the bill ever reached the Congress.

Mr. JAMES C. DAVIS. I am glad to comment on that at the request of the gentleman from Texas. We had the head of that agency appear before our subcommittee and discuss his needs in considerable detail. We reached the conclusion, after considering that evidence, that the 65 scientific and professional positions which are included in this bill are ample to take care of the needs this year of that agency.

Mr. TEAGUE of Texas. The gentleman is thinking about until January?

Mr. JAMES C. DAVIS. We feel that if they can fill those positions by that time and it develops that they are not enough, we will be holding sessions beginning in January.

Mr. TEAGUE of Texas. And they could come back before the committee and ask for more positions if they need them?

Mr. JAMES C. DAVIS. Yes. We will be glad to hear them.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Ohio.

Mr. HAYS. In view of what the gentleman said about the disarmament agency, what would be the position of this organization if the bill setting it up should pass and the bill we are now considering should not pass the other body?

Mr. JAMES C. DAVIS. They would be in the same position that other agencies depending on this bill would be,

but I think that is a very remote possibility.

Mr. HAYS. The gentleman thinks, in other words, there is a good chance this bill will pass the other body before we adjourn?

Mr. JAMES C. DAVIS. I have been over there and discussed this with the majority leader of the other body, and was told by him that this bill or similar legislation would be called up there tomorrow or Wednesday.

Mr. HAYS. I thank the gentleman.

(Mr. JAMES C. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

THE FINAL RESULT

Mr. HOFFMAN of Michigan. Mr. Speaker, in the olden days neighbors meeting to discuss matters of vital interest sometimes, yes, frequently, opened the meeting by the chairman's saying, "Let us pray." The House each day is opened with prayer, although very few are present. It is questionable whether the general welfare is our objective as we enact legislation.

Perhaps it would be well, in view of the statement made the other day and so often repeated that every 24 hours we are adding \$24 million to our national debt, to take a closer look at the effect of each bill as it came time to vote.

This to me is a very, very unpleasant day, because Members, presumably patriotic and able and with the Nation's interests at heart, find themselves in disagreement. A great deal of pleasure was mine as my colleague from Iowa [Mr. GROSS], the champion, I might add, of economy and efficiency, explained that this bill which came from the committee of which he is a working member, while it would cost an additional \$2 to \$5 millions, is that not correct, will my friends advise?

Mr. GROSS. Yes, that is right; around \$4 million.

Mr. HOFFMAN of Michigan. We add that to the \$24 million that each day we are going in the red?

Mr. GROSS. That is right.

Mr. HOFFMAN of Michigan. Explain that; the enactment of this bill is really a saving because if we do not grant this particular increase there will be many more expensive measures forced through. Another gentleman from Iowa [Mr. JENSEN] nods his head in the affirmative. Perhaps we should open the discussion of every bill with prayer for the relief of the taxpayers of our land. In any event, here we find ourselves, and those who have voted conservative like my colleague from Pennsylvania [Mr. FULTON] who recently joined us anew in a drive for economy and efficiency, who stated the other day that he was a moderately conservative Republican—I am a moderately progressive Republican.

I do not know just exactly what the gentleman meant—"favors this legislation." He has been voting with the con-

servatives recently. Permit me to compliment our colleague, the gentleman from Georgia [Mr. DAVIS] who again made one of his scholarly, exhaustive, factual, and logical statements telling us what the situation was. He supports this bill, and I assume, he and the gentleman from Iowa [Mr. GROSS] is it correct to say that you are now in favor of this bill because you fear worse?

Mr. GROSS. That is exactly right.

Mr. HOFFMAN of Michigan. That is, if we do not take this—it is somewhat similar to the disagreeable dose when mother gave us castor oil and she would put in it a little something to make it go down easier—make it sweeter?

Mr. GROSS. That is right. That is the story.

Mr. HOFFMAN of Michigan. You have my sympathy.

Mr. GROSS. This is a little less worse than what we would get, if we do not pass the bill.

Mr. HOFFMAN of Michigan. Thank you for trying to avoid the greater evil. But I personally have little faith in an executive department head or employee asking or willingly taking less. In view of that national debt of almost \$200 billion and the necessity of adding \$24 million each day we might well lessen rather than increase our appropriations or authorization.

The SPEAKER. The time of the gentleman has expired.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I do think we need some specific designations about where these people fit in this philosophical circle here because when you look around here at the two parties, it is hard to tell which party anybody belongs to. I do rate myself as a moderate conservative who balances the budget but wants progress and human welfare given their place in the sun, too.

I would like to recommend that the Congress consider further the National Aeronautics and Space Agency request for 135 increase in number of scientific, engineering, and administrative positions in NASA, which was cut by the Post Office and Civil Service Committee to 65.

For the best managed research and development U.S. program in space, the National Aeronautics and Space Administration needs an increase from 290 to 425 in the number of scientific, engineering and administrative personnel which the administrator may appoint whose rates of compensation he may fix up to a limit of \$19,000 a year. Instead of the committee increase of 65, the figure of increase should be the 135 extra scientific, engineering, research, and administrative personnel that are necessary. There is no doubt that if these manned Mercury space programs are to keep equal with Russia, we need one-third of this increase in the central project staff, and two-thirds for development and technological competence are required in the field center activities; 90 to 95 percent of these will be

scientists and engineers and only a few in the field of management. For example, we have Dr. Wernher von Braun's group at the Marshall Space Center at Huntsville, Ala., making the new giant rockets.

We have under the National Aeronautics and Space Act of 1958 the authority in the Administrator to fill 13 positions that are between \$19,000 and \$22,000 for these high level research and administrative personnel. I believe that should be increased to 30 positions which will be an opportunity for upgrading in legitimate cases for outstanding ability. My recommended number of increase would make the total number 425 in lieu of the 355 positions, which is the committee figure. If amendments were possible at this time I would strike out the previous position authorizing the Administrator to appoint 13 in the upper level of \$19,000 to \$21,000 and giving them 30 personnel in these positions.

We should not forget over the next 10 years, the National Aeronautics and Space Agency is going to spend \$35 billion in advance study and advance science and technology requiring good leadership and good people. Eighty percent of these funds are going to be paid out through private industry and likewise through research and other organizations such as universities. By far, the larger part of it will be spent through private industry. In order to have good management of this large space program, we need this additional scientific, engineering, and management personnel. We are asking for 135 extra positions. I hope we will keep even with Russia, and not only keep up with them but leap-frog them into space. Think of the great gains to our people and the world through the Tiros weather satellites, to predict hurricanes, storms, floods, and droughts. Also think of the gains in worldwide communications through our communications satellite programs, television and radio. Our programs for navigation satellites will make travel by sea and air so much safer and surer. The American people have so much to gain in security and progress, through well managed space and science programs under the National Aeronautics and Space Agency; we should give this Agency the personnel to do an efficient and competent job.

Mr. BOW. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker I rise in support of H.R. 7377. It was my privilege to serve on the subcommittee with the distinguished gentleman who have preceded me in urging the House to enact this bill.

Mr. Speaker, after long hours in the subcommittee we reported this bill to the full committee. It has the unanimous support of the committee. While the subcommittee in its recommendations to the full committee cut some of the requests from the various agencies, both the subcommittee and the full committee were satisfied that these cuts were

justified and that perhaps some of the positions were not needed at this time; recognizing that the subcommittee would be back on the job in January. Specifically is that true in regard to the NASA request. We had evidence that about half or perhaps better than half of these requests were for promotional purposes and that it would take over a year for some of these positions to be filled. Consequently, we felt we were justified in reducing the requested amount from 135 to 65 at this time. Certainly, the action does not mean that this agency headed by a distinguished North Carolinian, the Honorable JAMES WEBB, will not be able to receive the additional spaces, if the experience of that agency justifies them to our subcommittee.

Mr. Speaker, I urge the House to enact H.R. 7377 and remind the House that the subcommittee has done its best in reducing what we thought were excessive requests from the various agencies.

(Mr. HENDERSON asked and was given permission to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I yield myself such time as I may need.

May I say first, Mr. Speaker, in taking the time in opposition to this bill I recognize the fine work that has been done by the committee that has charge of this bill and the problems they have been faced with by various legislative committees bringing in supergrades and trying to get them into legislative bills, invading their jurisdiction. I do not think that should be done. I think it is the proper prerogative of that committee, and the language stating it specifically in the act is certainly good.

But, I recognize in this, Mr. Speaker, not an increase of new positions, but this is a pay raise for practically everyone who will benefit by this legislation is on the payroll. And, I recognize, Mr. Speaker, that our spending budget this year has been \$81 billion; that our spending budget for next year will be \$88 billion. I recognize the fact that within perhaps the next 4 years we will be spending \$100 billion a year, and we are going to get up to \$114 billion by 1970. Just this last year we spent \$9 billion in interest alone which, 21 years ago, paid for the entire cost of the Government of the United States. And, as someone has pointed out, we are spending today \$1 million more every hour than we are taking in. We are going further in the red \$24 million a day.

Mr. Speaker, in my opinion, this country cannot survive under those conditions. You cannot say that this missile program or national defense has caused the increase in spending. This year only one-fourth of the increase is going for national security, the rest for domestic programs. Now, we have to recognize this, Mr. Speaker, as an increase in pay for many of these people. I wonder that it has not been pointed out. I think we are also increasing salaries in the House of Representatives. I make haste to remark not to Members. I understand that under this bill the staff members of the committees of the House may now be raised to \$18,500 a year, which is a substantial increase in our

own shop. And it seems to me that if there is any place where we ought to begin to cut down or keep the level and cut out increased spending it is right here. Certainly we have good people in these jobs now. We have been able to keep them. I do not believe this is a question of not being able to get good people in the positions, but this is a question of increasing the salaries of those we have.

Mr. JAMES C. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Georgia.

Mr. JAMES C. DAVIS. I would like to say to the gentleman in line with that observation that we took that into consideration that the NASA request for 135 was reduced to 65. We discussed that with them and they very frankly told us that a number of those included in the request were already in their employ. It would result in their getting an increase, but they were not going to go outside and get new people, so we took that into consideration.

Mr. BOW. May I ask the gentleman from Georgia, who knows so much more about this than I do, this question: How many of these people who will benefit by these increases are presently on the payroll?

Mr. JAMES C. DAVIS. There is a pretty substantial percentage of them.

Mr. BOW. Would it be around 70 or 75 percent?

Mr. JAMES C. DAVIS. No, the percentage would not be that high.

Mr. BOW. Perhaps in the supergrade positions practically all of them are now on the payroll.

Mr. JAMES C. DAVIS. Not practically all of them, but a large percentage of them.

Mr. BOW. But the new positions area would be in the scientific and professional positions. Am I right about that?

Mr. JAMES C. DAVIS. I believe approximately 70 percent of the supergrades are presently employed and probably 50 percent of the G-13 positions.

Mr. BOW. I thank the gentleman. I appreciate his observations, because he does know this bill and this subject, but I say to those who are in favor of this bill who generally make the same observations I am making, that when you bring a bill of this kind before the House it ought to be recognized that our Government is in debt to the tune of \$290 billion, a debt, I say to my colleagues, of more than the combined debt of every other nation in the world combined. We are increasing the debt rather than holding it steady or reducing it. It is not a question of national security, this is a domestic program. I do hope that the Congress soon will find some way to hold the line and make some savings instead of constantly increasing the cost of Government.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. We can stop this business, we can stop creating new agencies and spending so much on their operation.

Mr. BOW. Yes, we can also abolish some of these temporary agencies, for the most permanent thing in Washington today is a temporary agency. Probably some of these supergrades are going into the temporary agencies.

Mr. MURRAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GEORGE P. MILLER].

(Mr. GEORGE P. MILLER asked and was given permission to revise and extend his remarks.)

Mr. GEORGE P. MILLER. Mr. Speaker, I will support H.R. 7377, although, frankly, I am not satisfied with some of the cuts that have been made in the supergrades.

I am particularly concerned with the National Aeronautics and Space Administration personnel. I deny that these are pay raises primarily for the people on the payroll at the present time. These raises are designed to attract new people and to hold in service competent people who have been trained and in whom the Government has a great investment. These Government scientists and technicians are attracted by private industry and by the contractors for the Government in this field. When we enter into a contract with one of these private operations for the development of a particular vehicle or some other facet of the space program, we pay the salaries. Therefore, we are the losers when such employees are attracted to better-paying jobs in private industry. Men who are competent in the specialized field which NASA offers have every opportunity to leave Federal service and to receive new employment and, I might say, very lucrative employment elsewhere.

Since May 25 this Congress has added \$662 million to the budget of NASA to proceed with its present program. Are we going to spend this money with people who are not capable, or who are inefficient in handling it, or are we going to get the best people we can to administer this program?

The Administrator of NASA told me the other day that a man would come with the Government for around \$21,000 a year who can make twice that much on the outside. There are dozens of companies that will pay that money.

I am conscious of the fact that some time ago I recommended a young girl for a job in the Bureau of Standards. She was just completing college and had gone through school on scholarships, graduating very high as a physicist. I do not know what her salary was then or is now. I related this story to the executive vice president of one of the biggest air corporations in this country, and as I left he said:

Mr. MILLER, you were telling me about this girl who went to work for the Bureau of Standards. I will give her \$50 more a month than she is receiving from the Federal agency.

I said:

How do you know what she is worth? How can you say you will give her more money?

He said:

I do not care about that. Whatever she is worth to the Bureau of Standards she is worth \$50 a month more to me.

That is how you lose trained technical people. I merely make these remarks to lay a foundation for the future.

Mr. MURRAY. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Michigan [Mr. LESINSKI].

(Mr. LESINSKI asked and was given permission to revise and extend his remarks.)

Mr. LESINSKI. Mr. Speaker, I am supporting H.R. 7377 for the reason basically there are great needs for these positions. I supported the gentleman from Georgia [Mr. DAVIS], last week in opposition to allowing 40 supergrade positions in the Peace Corps because of the fact this bill was coming up for consideration. Regardless of the Peace Corps needs, there is no reason for giving them more than they actually should have. This bill provides positions for them.

Mr. Speaker, in the Civil Service Commission pool we have 370 supergrade positions. If an agency needs more than what is provided for in this bill, it may go to the Commission and ask for additional positions in the supergrade position.

Mr. Speaker, I therefore suggest that this bill be supported because it offers an orderly procedure for increasing the number of supergrades in the Federal Government without any chance of their hiring too many.

Referring to what the gentleman from Ohio [Mr. Bow], said, this will save the Government money for if not passed the Government will have to contract to private companies projects that charge exorbitant prices for similar work done because of overhead and cost-plus allowances.

This bill may cost money but it actually saves money.

The following are the positions and salary ranges provided in the bill:

	Number
Supergrade positions 16, 17, and 18, \$15,255 to \$18,500:	
Civil Service Commission pool.....	370
Department of Defense.....	40
Federal Home Loan Bank Board.....	4
Total.....	414
Scientific and professional positions, \$12,500 to \$19,000:	
Agriculture.....	5
Commerce.....	5
Defense.....	85
Federal Aviation Agency.....	15
Health, Education, and Welfare.....	3
Interior.....	3
National Security Agency.....	30
National Aeronautics and Space Administration.....	65
Post Office.....	3
Total.....	214
Postal field service positions:	
Post Office Department.....	40
Total.....	668
U.S. Arms Control Agency.....	30
Grand total.....	698

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill (H.R. 7377), as amended.

The question was taken.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 53, not voting 77, as follows:

[Roll No. 214]		
YEAS—305		
Abbltt	Everett	Langen
Adair	Evins	Lankford
Addabbo	Fallon	Lennon
Addonizio	Farbstein	Lesinski
Albert	Fascelli	Llbonatl
Alexander	Feighan	Lindsay
Alger	Fenton	Lipscomb
Andersen,	Findley	Loser
Minn.	Finnegan	McCormack
Anderson, Ill.	Fino	McDowell
Andrews	Flood	McFall
Ashley	Flynt	McIntire
Aspinall	Fogarty	McMillan
Auchincloss	Forrester	Macdonald
Avery	Fountain	MacGregor
Bailey	Frelinghuysen	Mack
Baldwin	Friedel	Madden
Baring	Fulton	Magnuson
Barrett	Gallagher	Mahon
Barry	Garland	Maillard
Bass, N.H.	Garmatz	Martin, Mass.
Bates	Gavin	Mathias
Battin	Glaimo	May
Becker	Gilbert	Meador
Beckworth	Glenn	Morrow
Bennett, Fla.	Goodling	Miller, Clem
Bennett, Mich.	Granahan	Miller,
Blatnik	Grant	George P.
Blitch	Gray	Miller, N.Y.
Boland	Green, Oreg.	Milliken
Bolling	Green, Pa.	Mills
Boiton	Griffin	Moeller
Bonner	Griffiths	Monagan
Brademas	Gross	Montoya
Bray	Gubser	Moorhead, Pa.
Breeding	Hagan, Ga.	Morgan
Brewster	Hagen, Calif.	Morris
Bromwell	Halleck	Morse
Broomfield	Halpern	Moss
Broyhill	Hansen	Murphy
Burke, Ky.	Harding	Murray
Burke, Mass.	Hardy	Natcher
Burleson	Harris	Nix
Byrne, Pa.	Harvey, Ind.	Norblad
Cahili	Harvey, Mich.	Nygaard
Cannon	Hays	O'Brien, Ill.
Cederberg	Healey	O'Brien, N.Y.
Celler	Hechler	O'Hara, Ill.
Chamberlain	Hemphill	O'Hara, Mich.
Chelf	Henderson	O'Konski
Chenoweth	Herlong	Olsen
Clark	Hoffman, Ill.	O'Neill
Coad	Hollifield	Ostertag
Cohelan	Holland	Patman
Collier	Hosmer	Perkins
Conte	Huddleston	Peterson
Cook	Hull	Philbin
Corbett	Ichord, Mo.	Pike
Corman	Ikard, Tex.	Poff
Cramer	Inouye	Price
Curtin	Jarman	Pucinski
Curtis, Mass.	Jennings	Quie
Curtis, Mo.	Joeison	Randall
Daniels	Johansen	Ray
Davis,	Johnson, Md.	Reifel
James C.	Jones, Ala.	Rhodes, Pa.
Davis, John W.	Judd	Riehlman
Davis, Tenn.	Karsten	Riley
Dawson	Karth	Rivers, Alaska
Delaney	Kastenmeyer	Rivers, S.C.
Dent	Kelth	Roberts
Denton	Kelly	Roblson
Derounian	Keogh	Rodino
Diggs	Kilday	Rogers, Colo.
Dingell	Kilgore	Rogers, Fla.
Dominick	King, Calif.	Rooney
Donohue	King, Utah	Rostenkowski
Downing	Kirwan	Roudebush
Doyle	Kitchin	Roush
Duiski	Knox	Rutherford
Durno	Kornegay	Ryan
Dwyer	Kowalski	St. Germain
Edmondson	Kunkel	Santangelo
Elliot	Landrum	Saylor
Elisworth	Lane	Schadeberg

Scherer	Springer	Udall, Morris K.
Schneebell	Stafford	Ullman
Schweiker	Staggers	Vanik
Schwengel	Steed	Van Pelt
Scott	Stephens	Van Zandt
Scranton	Stratton	Wallhauser
Seely-Brown	Stubblefield	Watts
Selden	Sullivan	Weis
Sheppard	Taylor	Whalley
Shipley	Teague, Tex.	Wharton
Shriver	Thompson, N.J.	Whitener
Sibal	Thomson, Wis.	Wickersham
Sikes	Thornberry	Widnall
Sisk	Toll	Willis
Smith, Calif.	Tollefson	Wilson, Calif.
Smith, Iowa	Trimble	Yates
Smith, Miss.	Tuck	Zablocki
Spence	Tupper	

NAYS—53

Abernethy	Harsha	Nelsen
Alford	Hiestand	Passman
Ashbrook	Hoffman, Mich.	Pillion
Ashmore	Horan	Poage
Beermann	Jensen	Reece
Betts	Jonas	Rhodes, Ariz.
Bow	King, N.Y.	Rousselot
Brown	Kyl	Schenck
Bruce	Latta	Short
Clancy	McCulloch	Smith, Va.
Cunningham	McVey	Taber
Devine	Marshall	Utt
Dole	Matthews	Williams
Dorn	Michel	Wilson, Ind.
Fisher	Minshall	Winstead
Gary	Moore	Wright
Gathings	Moorehead,	
Haley	Ohio	
Harrison, Wyo.	Mosher	

NOT VOTING—77

Anfuso	Goodell	Pirnie
Arends	Hall	Powell
Ayres	Harrison, Va.	Rabaut
Baker	Hébert	Rains
Bass, Tenn.	Hoeven	Reuss
Belcher	Holtzman	Rogers, Tex.
Bell	Johnson, Calif.	Roosevelt
Berry	Johnson, Wis.	St. George
Boggs	Jones, Mo.	Saund
Boykin	Kearns	Shelley
Brooks	Kee	Siler
Buckley	Kilburn	Slack
Byrnes, Wis.	Kluczynski	Teague, Calif.
Carey	Laird	Thomas
Casey	McDonough	Thompson, La.
Chipfield	McSween	Thompson, Tex.
Church	Martin, Nebr.	Vinson
Colmer	Mason	Walter
Cooley	Morrison	Weaver
Daddario	Moulder	Westland
Dague	Multer	Whitten
Derwinski	Norrell	Young
Dooley	Osmer	Younger
Dowdy	Pelly	Zelenko
Ford	Pfost	
Frazier	Pilcher	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Buckley for, with Mr. Berry against.

Mr. Roosevelt and Mr. Shelley for, with Mr. Hall against.

Mr. Powell and Mr. Anfuso for, with Mr. Martin of Nebraska against.

Mr. Morrison and Mr. Multer for, with Mr. Harrison of Virginia against.

Mr. Boggs and Mr. Holtzman for, with Mr. Dowdy against.

Mr. Rains and Mr. Zelenko for, with Mr. Kilburn against.

Until further notice:

Mr. Rogers of Texas with Mrs. St. George.

Mr. Rabaut with Mr. Hoeven.

Mr. Whitten with Mr. Kearns.

Mr. Colmer with Mr. Arends.

Mr. Daddario with Mr. Ayres.

Mr. Brooks with Mr. Siler.

Mr. Johnson of California with Mr. Ford.

Mr. Thompson of Texas with Mr. Osmer.

Mr. Moulder with Mr. Mason.

Mr. Johnson of Wisconsin with Mr. Laird.

Mr. Thompson of Louisiana with Mr. Goodell.

Mr. Frazier with Mr. Baker.
Mr. Cooley with Mr. Byrnes of Wisconsin.
Mrs. Norrell with Mr. Teague of California.

Mr. Pilcher with Mr. Westland.
Mr. Slack with Mr. Derwinski.
Mr. Kluczynski with Mrs. Church.
Mr. Carey with Mr. Chipfield.
Mr. Casey with Mr. Dooley.
Mr. Bass of Tennessee with Mr. Pelly.
Mr. Reuss with Mr. Belcher.
Mrs. Pfost with Mr. Pirnie.
Mr. Thomas with Mr. Weaver.
Mr. Young with Mr. Bell.
Mr. Walter with Mr. Younger.
Mr. Saund with Mr. McDonough.

Mr. GARY and Mr. BEERMAN changed their votes from "yea" to "nay."

The title was amended so as to read: "A bill to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 49. Concurrent resolution expressing regret on the death of Dag Hammarskjöld, Secretary General of the United Nations.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Doctor Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Liu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5534. An act for the relief of Mrs. Helena Sullivan;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5613. An act for the relief of Fernando Manni;

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958;

H.R. 6729. An act to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SW. in the District of Columbia;

H.J. Res. 358. Joint resolution authorizing the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week, in order to aid in bringing to the American people the dangers of accidental poisoning.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5968. An act to amend the District of Columbia Unemployment Compensation Act, as amended.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) entitled "An act to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes."

PERSONAL EXPLANATION

Mr. BRADEMAS. Mr. Speaker, I was unavoidably absent on August 28, 1961, during three rollcalls.

The first rollcall was on the engrossment and third reading of H.R. 8181, a bill to authorize construction of a Na-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

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HIGHLIGHTS: Sen. Symington urged aid for poultry industry. House received conference report on Peace Corps bill. Senate began consideration of supergrades bill. Rep. McSween opposed higher price supports for cotton.

SENATE

1. **POULTRY PRICES.** Sen. Symington discussed the situation in the poultry industry, stated that broiler chickens are selling below the cost of production and many producers face bankruptcy, urged that Congress act before adjournment to enact legislation to "empower broiler producers to stabilize their own industry through marketing orders and agreements - on broiler chickens, or hatching eggs or both - according to their own decision," and inserted a letter from Assistant Secretary of Agriculture Ralph outlining how a marketing order might be adapted to chicken hatching eggs. For immediate assistance to the poultry industry he urged this Department to buy "at least 6 to 8 million broiler laying hens for serving under the school lunch program." pp. 18974-6
2. **PERSONNEL.** Began consideration of S. 1732, to increase the limitation on the number of supergrade and high-level scientific positions. p. 19010
3. **VIRGIN ISLANDS.** Passed as reported H. R. 4750, to amend the Virgin Islands Corporation Act so as to increase the borrowing authority of the Corporation by \$5 million. pp. 19009-10

4. MILITARY CONSTRUCTION APPROPRIATION BILL, 1962. Both Houses agreed to the conference report on this bill, H. R. 8302. This bill will now be sent to the President. pp. 18998-9, 19029
5. RECLAMATION. Passed as reported S. 2008, to modify the authorization for construction and operation of the Spokane Valley reclamation project. pp. 19007-8
6. PUBLIC WORKS APPROPRIATION BILL, 1962. The "Daily Digest" states that the Appropriations Committee Subcommittee "marked up and approved for full committee consideration title I (civil functions) and title III (AEC and TVA) of H. R. 9076, fiscal 1962 appropriations for public works." p. D875
7. FLOOD INSURANCE. Sen. Yarborough urged enactment of legislation to provide a system of Federal flood insurance for natural disasters. p. 19014
8. COUNTY AGENT. Sen. McGee commended B. H. Trierweiler, a county agricultural agent in Wyo., upon his election as president of the National Association of County Agricultural Agents. p. 18978
9. NATURAL RESOURCES. Sen. Anderson presented a summary of the activities of the Interior and Insular Affairs Committee this session of Congress and an estimate of what he hopes the Committee will accomplish during the next session. pp. 18979-81
10. ELECTRIFICATION. Sen. Bennett spoke in opposition to Federal construction of transmission lines to serve the upper Colorado River storage project and inserted several items in support of his position. pp. 18981-3
11. AIR POLLUTION. Sen. Keating inserted a resolution of the National Air Pollution Control Ass'n urging the convening of another National Conference on Air Pollution during 1961 or 1962. p. 18988
12. LEGISLATIVE PROGRAM. Sen. Mansfield announced that S. 1732, the supergrades bill, and H. R. 4682, conveyance of a tract of forest land to Iowa, will be considered Wed. p. 19006

HOUSE

13. PEACE CORPS. Received the conference report on H. R. 7500, to provide for a permanent Peace Corps (H. Rept. 1239). pp. 19105-12
14. PERSONNEL. The Government Operations Committee reported with amendments H. R. 8798, to amend section 7 of the Administrative Expenses Act of 1946 to provide for expenses of travel of student trainees when assigned, upon completion of college work, to positions in the U. S. for which there is determined by the CSC to be a manpower shortage (H. Rept. 1216). p. 19167
The "Daily Digest" states that "Conferees, in executive session, agreed to file a conference report on the differences between the Senate and House-passed versions of S. 739, relating to rate of interest to be paid by the Treasury on money borrowed by it from the civil service retirement fund." As amended by the House his bill also includes provisions to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, and to provide indefinite appropriations for the civil service retirement fund. p. D878
15. INFORMATION. The Committee on Government Operations submitted the seventh report on availability of information from Federal departments and agencies (H. Rept. 1215). p. 19167

consideration of Calendar No. 1046, H.R. 4750.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment in line 7, after the word "figure", to strike out "\$13,500,000" and insert "\$16,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1065), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4750, as amended, is to increase by \$5 million the amount which the Virgin Islands Corporation is authorized to borrow from the U.S. Treasury. The additional funds will be used to purchase electrical generating equipment in order to take care of load growth over the next few years.

H.R. 4750 was introduced following receipt of an executive communication dated January 13, 1961, from Fred A. Seaton, formerly Secretary of the Interior and Chairman of the Board of Directors of the Corporation, requesting that this be done. The request was renewed in a further communication from Secretary Udall dated March 3, 1961. An identical bill was introduced by Senator JACKSON, S. 1743.

NEED

The Virgin Islands Corporation, a Government owned and controlled organization, was created by the act of June 30, 1949 (63 Stat. 350, 48 U.S.C. 1407-1407i). One of its principal functions is that of supplying electric energy to consumers on the islands.

The growth rate of the power systems in the Virgin Islands has been exceptional and far exceeds any normal growth pattern in the continental United States. From January 1 through August 31, 1961, the monthly increase in peakloads for the St. Croix and St. Thomas power systems, as compared with the same period for 1960, has averaged 16 and 27 percent respectively.

The most serious problem facing the Corporation is the lead time necessary to meet the expected power demands. The necessary engineering studies, placement of orders, and installation of equipment require approximately a 2-year period after funds are available. If the Corporation is to meet the demand for power which will exist in the years 1963-64, it is essential that immediate steps be taken to acquire the necessary generating equipment. According to information provided the committee, it is the plan of the Corporation to install two 5,000-kilowatt steam turbine units—one on each island—at an approximately cost of \$5 million.

In view of the clear need for additional power in the Virgin Islands, the committee has amended H.R. 4750 by increasing the amount of borrowing authority available to the Corporation by \$5 million.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4750) was read the third time, and passed.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 960, S. 1732, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105), is further amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) Subject to subsections (c) to (i), inclusive, of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed fourteen hundred and twenty-seven) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority such maximum number of positions shall not exceed three hundred and fifty-seven for grade 17 and one hundred and sixty for grade 18, and not to exceed an additional one hundred such positions may be established by the Commission upon a determination by the President of initial need therefor."

(2) Subsection (g) is amended by inserting before the period at the end of the first sentence the following: "and a total of six positions in grade 16 of the General Schedule"; and by inserting the word "grades" in place of the word "grade" in the second sentence;

(3) In subsection (j) strike out "three hundred seventy-two" and insert "four hundred."

(b) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700), is hereby repealed.

(c) Positions in grade 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until

other action is taken under the provisions of section 505 of the Classification Act of 1949 as in effect on and after such effective date.

SEC. 2. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), is amended by inserting "sixty-two" in place of "fifty".

SEC. 3. (a) The first section of the Act of August 1, 1947, as amended (Public Law 313, Eightieth Congress; 5 U.S.C. 1161), is further amended as follows:

(1) In subsection (d), by inserting "eight" in place of "five";

(2) In subsection (e), by inserting "eighteen" in place of "fifteen";

(3) In subsection (f), by inserting "thirteen" in place of "ten"; and

(4) In subsection (g), by inserting "twenty-eight" in place of "twenty-five".

(5) Such section is further amended by adding at the end thereof the following new subsections:

"(i) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(j) The Librarian of Congress is authorized to establish and fix the compensation for not more than four scientific or professional positions in the Library of Congress, each such position being established to carry out research and development functions of the Library which require the services of specially qualified personnel."

(b) Section 2 of such Act is amended by adding the following new sentence: "This section shall not apply to positions in the Library of Congress."

(c) Section 3 of such Act is amended by inserting after "Secretary of Health, Education, and Welfare" a comma and the following: "the Postmaster General," and by inserting after "Department of Health, Education, and Welfare" a comma and the following: "the Post Office Department."

SEC. 4. (a) Section 1581(a) of title 10 of the United States Code is amended by inserting "five hundred twenty-five" in place of "four hundred fifty".

(b) Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), is amended by inserting "sixty" in place of "fifty".

(c) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)) is amended by inserting "twenty-five" in place of "ten".

(d) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)) is amended by inserting "twenty" in place of "fifteen".

(e) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)) is amended by inserting "four hundred and twenty-five" in place of "two hundred and ninety".

U.S. IMMIGRATION POLICY

Mr. SALTONSTALL. Mr. President, before the 1st session of the 87th Congress draws to a close, I wish to comment on our immigration policy.

Except for the full-blooded Indian, all of us are immigrants or descendants of immigrants. Throughout our history immigrants have brought talents, ambitions and a sense of patriotism of incalculable value to our land. They have seen America with a fresh enthusiasm and a new idealism. The newcomer has reawakened native-born Americans as to their great good fortune to live in this

a prospect that competitive prices through proper freight rates can be developed.

In August of 1954 the Senate requested a review of the Kaskaskia project and from that day to this it has been the subject of survey and examination and these have been intensively conducted so that every aspect of the matter could be presented in the report which was filed in the form of Senate Document No. 44 this Congress and only recently released.

This report has had the attention of Army Engineers, the Secretary of the Army, the Bureau of the Budget, the Governor of Illinois, the Department of the Interior, the Department of Agriculture, the Secretary of Commerce, the Board of Engineers for Rivers and Harbors, and on this basis, the Board of Engineers for Rivers and Harbors has recommended the improvement of the Kaskaskia River for navigation with a 9-foot deep channel 200 feet wide from the mouth of the river to Fayetteville, Ill. This will require the enlarging of the present channel, eliminating sharp bends and the installation of a single dam and a lock which will be 84 feet wide and 600 feet long. The estimated cost is \$58,200,000 and the Army Engineers report that on an amortization basis of 50 years the benefit cost ratio is 1.9 to 1. On the basis of 100 years it would be 2.7 to 1.

Already there is a real indication that this improvement will bring industry to this area, including additional steam powerplants which depend upon adequate supplies of a good grade of coal.

On page 19 of the Engineers report is a summation showing the availability of this coal reserve ranging from 1 to 15 miles from the streambed.

The report contained all appropriate requirements with respect to local cooperation, the removal of bridges, including railroad bridges, flood control, storage, the availability of an adequate water supply, even in slack and dry seasons, and every other factor which must be taken into account in connection with a proposal of this kind. I know of no single thing that has been overlooked in the 70-page report which the Engineers have filed and I am certain that on the basis of cost versus benefit ratios this project is fully justified.

It will serve an area in Illinois not too far from areas that have been heretofore cataloged as distressed and in need of area redevelopment. Here is the best solution anyone can imagine for this type of a problem because this transportation artery will make it possible to utilize a larger and almost inexhaustible resource in this area and supply jobs in quantity to provide a durable solution for the unemployment problems which have beset this area in years gone by. I hope, therefore, this can have the immediate approval of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1081), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 520, as amended, is to authorize modification of the existing project for the Kaskaskia River, Ill., in accordance with the recommendations of the Chief of Engineers in Senate Document No. 44, 87th Congress, at an estimated Federal cost of \$58,200,000, and to authorize appropriation of amounts necessary to carry out the improvements.

DESCRIPTION OF PROJECT

Location: The Kaskaskia River rises in Champaign County in eastern Illinois and flows southwesterly about 325 miles to the Mississippi River at a point 60 miles downstream from St. Louis, Mo., a short distance above Chester, Ill.

Authority for report: Senate Public Works Committee resolution adopted August 17, 1954. The report has been transmitted to Congress and printed as Senate Document No. 44, 87th Congress.

Existing project: The original Federal improvement of the river for navigation by deepening to 3 feet to mile 12, and removing snags to mile 22, was abandoned in 1895. The river is not used by commercial craft at the present time. The existing Federal project for flood control and other purposes on the Kaskaskia River provides for dams and reservoirs at Carlyle and Shelbyville, and levees between Cowden and Vandalia, below Carlyle, and New Athens. Carlyle Reservoir is under construction and planning is underway on the Shelbyville project. Work has not started on the levees. The reservoirs, in addition to reducing floodflows, would aid navigation by augmenting flows in the Mississippi River, provide municipal and industrial water supply, benefit fish and wildlife, and afford opportunity for recreational developments.

Navigation problems: Local interests desire a 9-foot navigation channel in the lower 50 miles of the Kaskaskia River to facilitate the outbound movements of coal and grain, and to augment the local economy.

Recommended plan of improvement: Provides for a channel 9 feet deep and 200 feet wide from the mouth of Kaskaskia River to Fayetteville, Ill., by enlarging the present channel where required, and making overbank cuts to eliminate sharp bends; and a dam at mile 4 with a single lock 84 feet wide and 600 feet long. The plan of improvement also provides for modification of the storage allocations in the Carlyle and Shelbyville Reservoirs, to provide water for Kaskaskia River navigation in lieu of Mississippi River navigation; and future reallocation of storage in the two reservoirs when additional water is needed for navigation, if the use of such storage is found by the Chief of Engineers to be feasible and more economical than pumping water from below the dam into the navigation pool.

Estimated cost

[Price level, January 1960]

Federal.....	\$58,200,000
Non-Federal.....	2,300,000

Total.....	60,500,000
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Project economics

	Federal	Non-Federal	Total
Annual charges:			
Interest and amortization.....	\$2,223,300	\$119,000	\$2,342,300
Maintenance and operation.....	270,000	0	270,000
Replacements.....	17,700	0	17,700
Navigation aids.....	19,000	0	19,000
Total.....	2,530,000	119,000	2,649,000

Annual benefits: Transportation savings on coal movements, \$5,120,000.

Benefit-cost ratio: 1.9.

Local cooperation: Provide without cost to

the United States all lands, easements, and rights-of-way; hold and save the United States free from damages; make all necessary alterations to sewer, water supply, drainage, and other utility facilities; bear a proportionate share of the costs of relocations of railroad and highway bridges; remove one highway bridge at own expense; maintain all bridges over the improved waterway; provide necessary loading and mooring facilities; provide terminal and transfer facilities; and establish agency for controlling withdrawal of water from river below Carlyle Dam.

COMMENTS OF THE STATE AND FEDERAL AGENCIES

Department of the Interior: No objection.
Department of Agriculture: No objection.
Department of Commerce: No objection.
State of Illinois: Approve project.

COMMENTS OF THE BUREAU OF THE BUDGET

The Bureau of the Budget notes that the Acting Chief of Engineers refers to the uncertainty of railroad rate adjustments that may be proposed in the future and the action that the Interstate Commerce Commission may take thereon, and that he recommends, if the project is authorized, a reevaluation of project economic justification in light of rates then existing, would be made when funds are requested for construction. The Bureau of the Budget concurs in this recommendation. The Bureau of the Budget further advises that there would be no objection to the submission of the proposed report to the Congress.

Benefits: The major benefits that have been assigned to the improvement of the lower Kaskaskia River for navigation are transportation savings for movement of coal. Coal reserves adjacent to the Kaskaskia River are substantial, with an estimated 1.8 to 2.0 billion tons located within 15 miles of the proposed navigation project. Coal requirements for market areas in which this coal can compete are said to be increasing rapidly. The improved waterway would permit the movement of a maximum of about 20 million tons of coal annually. The estimated annual benefits are based on an average annual waterborne movement of about 15,200,000 tons throughout the life of the project, at a transportation saving of about \$0.35 per ton. Benefits from the improvement in the economic conditions of the area are real, but have not been evaluated. The economic ratio for the project is 1.9 to 1.0.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 520) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion-to lay on the table was agreed to.

VIRGIN ISLANDS CORPORATION ACT—AMENDMENT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the

Calendar No. 1065

87TH CONGRESS
1ST SESSION

H. R. 7377

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 1961

Received; read twice, and ordered to be placed on the calendar

AN ACT

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 TITLE I—POSITIONS IN TOP GRADES OF CLASSI-
2 FICATION ACT OF 1949

3 CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY
4 WITH RESPECT TO TOP GRADES OF CLASSIFICATION
5 ACT OF 1949

6 SEC. 101. (a) The Congress hereby finds that—

7 (1) the public interest requires that effective limita-
8 tions and controls be established and maintained with
9 respect to the allocation of positions—whether by law or
10 by administrative action—to grades 16, 17, and 18 of
11 the Classification Act of 1949—the so-called top grades
12 below the Federal executive level in the Government
13 service—in order to prevent the unwarranted allocation
14 of positions to such grades and to promote efficiency and
15 economy in the operation of the Government;

16 (2) one of the principal purposes of the Classifica-
17 tion Act of 1949, as originally enacted and as amended
18 from time to time, was, and continues to be, the establish-
19 ment and maintenance, by specific provisions of such
20 Act, of a coordinated and comprehensive authority and
21 control over the allocation of positions to these top
22 grades of such Act;

23 (3) under the rules of the Senate and the rules of
24 the House of Representatives, as applicable, and the
25 Legislative Reorganization Act of 1946, the Committee

1 on Post Office and Civil Service of the Senate and the
2 Committee on Post Office and Civil Service of the House
3 of Representatives are vested with exclusive legislative
4 jurisdiction, and charged with the duty of exercising
5 legislative oversight and supervision, with respect to all
6 matters within the purview of the Classification Act of
7 1949 and the administration thereof, including the allo-
8 cation of positions to these top grades of such Act;

9 (4) this legislative authority, duty, and jurisdic-
10 tion of such committees, and the orderly and established
11 legislative processes of the Congress generally in this re-
12 spect, are being undermined by the increasing practice,
13 resulting from certain solicitations from individual de-
14 partments and agencies in the executive branch and else-
15 where, of allocating additional numbers of positions to
16 such top grades by means of appropriation Acts and
17 other laws and reorganization plans (other than the
18 Classification Act of 1949) which disregard the nu-
19 merical limitations or the standards and procedures, or
20 both, with respect to the allocation of positions to such
21 grades;

22 (5) at the present time, therefore, the pertinent
23 provisions of the Classification Act of 1949 do not re-
24 flect, even by approximation, the existing state of the

1 law with respect to the total number of positions which
2 may be allocated to the top grades of such Act; and

3 (6) this state of affairs subverts and undermines
4 the object and purpose of the Classification Act of 1949
5 with respect to the allocation of positions to such top
6 grades of such Act.

7 (b) It is, therefore, hereby declared to be the sense of
8 the Congress—

9 (1) that the matter of requesting the allocation of
10 additional numbers of positions to the top grades of the
11 Classification Act of 1949, whether by groups of posi-
12 tions or on an individual basis, is properly within the
13 jurisdiction of those standing committees of the Senate
14 and House of Representatives having jurisdiction over
15 the Classification Act of 1949 in accordance with orderly
16 and established legislative processes—the Committee on
17 Post Office and Civil Service of the Senate and the Com-
18 mittee on Post Office and Civil Service of the House of
19 Representatives;

20 (2) that the Director of the Bureau of the Budget,
21 the United States Civil Service Commission, and other
22 authority designated by the President exercise to the full-
23 est extent the authority and responsibility of disapproving
24 requests of the departments and agencies in the executive
25 branch for individual exceptions (to be attained through

1 the enactment of laws outside the jurisdiction of the com-
2 mittees above referred to) from the numerical limitations
3 or the standards and procedures, or both, imposed by the
4 Classification Act of 1949 with respect to the allocation
5 of positions to the top grades of such Act; and

6 (3) that, if need should develop for increasing such
7 numerical limitations or waiving such standards or pro-
8 cedures, or both, in any case or cases, the matter should
9 be presented promptly to the Congress in a manner con-
10 sistent with the legislative authority, duty, responsibility,
11 and jurisdiction of the respective Committees on Post
12 Office and Civil Service of the Senate and House of
13 Representatives.

14 INCREASE IN NUMBER OF AUTHORIZED TOP GRADE POSI-
15 TIONS UNDER CLASSIFICATION ACT OF 1949

16 SEC. 102. (a) Subsection (b) of section 505 of the
17 Classification Act of 1949, as amended (5 U.S.C. 1105
18 (b)), relating to the maximum number of positions au-
19 thorized at any one time for grades 16, 17, and 18 of the
20 General Schedule of such Act, is amended to read as follows:

21 “(b) Subject to subsections (c), (d), (e), (f), (g),
22 (j), and (m) of this section, a majority of the Civil
23 Service Commissioners are authorized to establish and, from
24 time to time, revise the maximum numbers of positions (not
25 to exceed nineteen hundred and twenty-nine) which may

1 be in grades 16, 17, and 18 of the General Schedule at any
2 one time.”.

3 (b) Subsection (j) of such section 505, as amended (5
4 U.S.C. 1105 (j)), relating to positions authorized for the
5 Department of Defense in grades 16, 17, and 18 of the Gen-
6 eral Schedule of the Classification Act of 1949, is amended
7 by striking out “three hundred seventy-two positions” and
8 inserting in lieu thereof “four hundred twelve positions”.

9 (c) Such section 505, as amended, is amended by add-
10 ing at the end thereof the following new subsections:

11 “(m) The Federal Home Loan Bank Board is au-
12 thorized, subject to the standards and procedures prescribed
13 by this Act, to allot a total of not more than four positions in
14 grades 16, 17, and 18 of the General Schedule. Such posi-
15 tions shall be in addition to the number of positions author-
16 ized to be placed in such grades by subsection (b) .

17 “(n) The Director of the United States Arms Control
18 Agency is authorized, subject to the standards and proce-
19 dures prescribed by this Act, to allot a total of not more than
20 fourteen positions in grades 16, 17, and 18 of the General
21 Schedule. Such positions shall be in addition to the number
22 of positions authorized to be placed in such grades by sub-
23 section (b) .

24 “(o) In any case in which, during the Eighty-seventh
25 Congress, provisions are included in any Act of Congress

1 (other than those contained in this Act) which authorize
2 any agency of the Government to place additional positions
3 in grade 16, 17, or 18 of the General Schedule, the Com-
4 mission is authorized and directed to withdraw from such
5 agency the allotments of a number of positions (equal to
6 the number of such additional positions authorized under
7 such Act of Congress) made by the Commission for such
8 agency out of the number of positions authorized by sub-
9 section (b) of this section, to the extent possible in the light
10 of the number of positions so allotted to such agency and
11 in the light of the number of such additional positions
12 authorized under such Act of Congress.”.

13 (d) Subsection (n) of section 505 of the Classification
14 Act of 1949, as amended, as added by subsection (c) of
15 this section, which provides top grade positions for the
16 United States Arms Control Agency, shall not be in effect
17 after December 31, 1961, unless, on or prior to such date,
18 such agency shall have been established by law.

19 CONFORMING CHANGES IN EXISTING LAW

20 SEC. 103. The following provisions of law are hereby
21 repealed:

22 (1) Subsections (f), (k), and (l) of section 505 of the
23 Classification Act of 1949, as amended (5 U.S.C. 1105 (f),
24 (k), and (l)), authorizing five positions, two hundred and
25 sixty positions, and twenty-five positions in grades 16, 17,

1 and 18 of the General Schedule of such Act for the National
2 Security Council, the Department of the Treasury, and the
3 Interstate Commerce Commission, respectively.

4 (2) Sections 202 (b) and 302 (j) of the Federal Avi-
5 ation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C.
6 1322 (b) and 1343 (h)), authorizing eight positions and
7 seventy positions in grades 16, 17, and 18 of the General
8 Schedule of the Classification Act of 1949 for the Civil Aero-
9 nautics Board and the Federal Aviation Agency, respec-
10 tively.

11 (3) The last sentence of section 5 (a) of the Small Bus-
12 iness Act (72 Stat. 385; 15 U.S.C. 634 (a)), authorizing
13 fifteen positions in grades 16, 17, and 18 of such General
14 Schedule for the Small Business Administration.

15 (4) Section 205 (a) (11) of the National Capital Trans-
16 portation Act of 1960 (74 Stat. 543; Public Law 86-669),
17 authorizing five positions in grades 16, 17, and 18 of such
18 General Schedule for the National Capital Transportation
19 Agency.

20 (5) The proviso in the paragraph under the heading
21 "FEDERAL POWER COMMISSION" and under the subheading
22 "SALARIES AND EXPENSES" in title I of the Independent
23 Offices Appropriation Act, 1961 (74 Stat. 429; Public Law

1 86-626), authorizing six positions in grades 16, 17, and 18
2 of such General Schedule for the Federal Power Commission.

3 (6) The proviso in the paragraph under the heading
4 "CIVIL AERONAUTICS BOARD" and under the subheading
5 "SALARIES AND EXPENSES" in title III of the Department
6 of Commerce and Related Agencies Appropriation Act,
7 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing
8 ten positions in such grades 16, 17, and 18 for the Civil
9 Aeronautics Board.

10 (7) Subsection (b) of the first section of the Act of
11 September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note;
12 Public Law 86-377), containing certain provisions with re-
13 spect to positions in such grades 16, 17, and 18 in the De-
14 partment of Defense, which reads as follows:

15 "(b) The total number of positions authorized by section
16 505 (b) of the Classification Act of 1949, as amended (5
17 U.S.C. 1105 (b)), to be placed in grades 16, 17, and 18 of
18 the General Schedule of such Act at any time shall be deemed
19 to have been reduced by the number of positions in such
20 grades allocated to the Department of Defense immediately
21 prior to the date of enactment of this Act. The respective
22 number of positions authorized by such section 505 (b) to

1 be placed in grades 17 and 18 of such schedule at any one
2 time shall be deemed to have been reduced by the respective
3 number of positions in such grades allocated to the Depart-
4 ment of Defense immediately prior to the date of enactment
5 of this Act.”

6 (8) That part of the first sentence of section 601 of the
7 Supplemental Defense Appropriation Act, 1958 (72 Stat.
8 8; 10 U.S.C. 1581, note), authorizing the Secretary of De-
9 fense to place ten positions in such grades 16, 17, and 18,
10 which reads as follows: “, and to place ten positions in
11 grades 16, 17, or 18 of the General Schedule, in accordance
12 with the procedures prescribed in the Classification Act of
13 1949, as amended”.

14 (9) The last paragraph under the heading “GENERAL
15 SERVICES ADMINISTRATION” in title I of the Independent
16 Offices Appropriation Act, 1957 (70 Stat. 345; Public Law
17 623, Eighty-fourth Congress), authorizing ten positions in
18 grade 16 of the General Schedule of the Classification Act of
19 1949 for the General Services Administration.

20 (10) That part of the second sentence of section 3 of
21 Reorganization Plan Numbered 1 of 1958, effective July 1,
22 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not
23 to exceed ten positions of regional director of the regional
24 offices of the Office of Civil and Defense Mobiliza-
25 tion to receive compensation under the Classification Act

1 of 1949 without regard to the numerical limitations on posi-
2 tions in section 505 of such Act, which reads as follows:
3 “except that the compensation may be fixed without regard
4 to the numerical limitations on positions set forth in section
5 505 of the Classification Act of 1949, as amended (5 U.S.C.
6 1105) ”.

7 (11) The paragraph under the heading “COMMODITY
8 CREDIT CORPORATION” in chapter I of the Supplemental Ap-
9 propriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h,
10 note), authorizing the position of sales manager in the Com-
11 modity Credit Corporation to be placed in grade 17 of the
12 General Schedule of the Classification Act of 1949.

13 (12) Section 302 of the Act of July 31, 1956 (70 Stat.
14 743; 5 U.S.C. 517c), authorizing three positions of Deputy
15 Administrator of the Agricultural Research Service, Depart-
16 ment of Agriculture, to be placed in grade 18 of such Gen-
17 eral Schedule.

18 (13) That part of the first paragraph of section 205 of
19 the Public Works Appropriation Act, 1958 (71 Stat. 423:
20 Public Law 85-167), which reads as follows: “the position
21 of Administrator of the Southeastern Power Administration
22 shall be in grade GS-18 of the Classification Act of 1949, as
23 amended, but without regard to the numerical limitation con-
24 tained in section 505 of said Act;”.

25 (14) That part of the sixth sentence of section 3 (a)

1 of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16
2 U.S.C. 742b (a)), authorizing the position of Director of the
3 Bureau of Commercial Fisheries, and of Director of the
4 Bureau of Sport Fisheries and Wildlife, United States Fish
5 and Wildlife Service, Department of the Interior, to be
6 placed in grade 17 of the General Schedule of the Classifica-
7 tion Act of 1949, which reads: "at Grades GS-17 each".

8 (15) The second proviso in the paragraph under the
9 heading "CIVIL AERONAUTICS ADMINISTRATION" and un-
10 der the subheading "OPERATION AND REGULATION" in title
11 I of the Department of Commerce and Related Agencies
12 Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343,
13 note), authorizing ten positions in grades 16, 17, and 18 of
14 the General Schedule of the Classification Act of 1949.

15 SAVINGS PROVISIONS

16 SEC. 104. (a) The changes in existing law made by
17 sections 102 and 103 of this title shall not affect any
18 position existing immediately prior to the effective date
19 of such changes in existing law, the compensation attached
20 to such position, and any incumbent thereof, his appoint-
21 ment thereto, and his entitlement to receive the compensa-
22 tion attached thereto, until appropriate action is taken in
23 accordance with this title.

24 (b) Positions in grades 16, 17, or 18, as the case may

1 be, of the General Schedule of the Classification Act of
2 1949, as amended, immediately prior to the effective date
3 of this section, shall remain, on and after such effective date,
4 in their respective grades, until appropriate action is taken
5 under section 505 of the Classification Act of 1949 as in
6 effect on and after such effective date.

7 TITLE II—SCIENTIFIC AND PROFESSIONAL
8 POSITIONS AND POSITIONS OF A SECURITY
9 NATURE

10 INCREASE IN NUMBER OF POSITIONS OF A SECURITY NA-
11 TURE IN THE NATIONAL SECURITY AGENCY UNDER THE
12 ACT OF MAY 29, 1959

13 SEC. 201. Section 2 of the Act of May 29, 1959 (73
14 Stat. 63; Public Law 86-36), authorizing the Secretary of
15 Defense to establish positions in the National Security
16 Agency, is amended by striking out “Not more than fifty
17 such officers and employees shall be paid basic compensation
18 at rates equal to rates of basic compensation contained in
19 grades 16, 17, and 18 of such General Schedule.” and in-
20 serting in lieu thereof the following: “Not more than seventy
21 such officers and employees shall be paid basic compensation
22 at rates equal to rates of basic compensation contained in
23 grades 16, 17, and 18 of such General Schedule.”.

1 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
2 POSITIONS UNDER THE ACT OF AUGUST 1, 1947 (PUB-
3 LIC LAW 313, EIGHTIETH CONGRESS)

4 SEC. 202. (a) The Act of August 1, 1947 (Public
5 Law 313, Eightieth Congress), as amended (5 U.S.C.
6 1161-1163), is amended to read as follows:

7 “That (a) the Secretary of the Interior is authorized to
8 establish and fix the compensation for not more than eight
9 scientific or professional positions in the Department of the
10 Interior, each such position being established to effectuate
11 those research and development functions of such depart-
12 ment which require the services of specially qualified
13 personnel.

14 “(b) The Secretary of Agriculture is authorized to
15 establish and fix the compensation for not more than twenty
16 scientific or professional positions in the Department of
17 Agriculture, each such position being established to effectuate
18 those research and development functions of such depart-
19 ment which require the services of specially qualified
20 personnel.

21 “(c) The Secretary of Health, Education, and Welfare
22 is authorized to establish and fix the compensation for not
23 more than thirteen scientific or professional positions
24 in the Department of Health, Education, and Welfare, each
25 such position being established to effectuate those research

1 and development functions of such department which require
2 the services of specially qualified personnel.

3 “(d) The Secretary of Commerce is authorized to estab-
4 lish and fix the compensation for not more than thirty
5 scientific or professional positions in the Department of
6 Commerce, of which not less than five shall be for the
7 United States Patent Office in its examining and related
8 activities, each such position being established to effectuate
9 those research and development functions of such depart-
10 ment which require the services of specially qualified per-
11 sonnel.

12 “(e) The Postmaster General is authorized to establish
13 and fix the compensation for not more than three scientific or
14 professional positions in the Post Office Department, each
15 such position being established to effectuate those research
16 and development functions of such Department which require
17 the services of specially qualified personnel.

18 “(f) The Director of the United States Arms Control
19 Agency is authorized to establish and fix the compensation
20 for not more than fourteen scientific or professional positions
21 in the United States Arms Control Agency, each such posi-
22 tion being established to effectuate those research and de-
23 velopment functions of such agency which require the serv-
24 ices of specially qualified personnel.

25 “SEC. 2. (a) Positions created pursuant to this Act shall

1 be included in the competitive civil service of the United
2 States, but appointments to such positions shall be
3 made without competitive examination upon approval of
4 the proposed appointee's qualifications by the United States
5 Civil Service Commission or such officers and agents as the
6 Commission may designate for this purpose.

7 “(b) The rates of compensation for positions established
8 pursuant to the provisions of this Act shall not be less than
9 \$12,500 per annum nor more than \$19,000 per annum and
10 shall be subject to the approval of the United States Civil
11 Service Commission.

12 “(c) In any case in which, subsequent to February 1,
13 1958, provisions are included in a general appropriation
14 Act authorizing an agency of the Government referred to in
15 this Act to establish and fix the compensation of scientific or
16 professional positions similar to those authorized by this Act,
17 the number of such positions authorized by this Act shall,
18 unless otherwise expressly provided, be deemed to have been
19 reduced by the number of positions authorized by the provi-
20 sions of such appropriation Act.

21 “SEC. 3. The head of each department or agency author-
22 ized to establish and fix the compensation of positions under
23 this Act shall submit to the Congress, not later than Decem-
24 ber 31 of each year, a report setting forth the number of
25 positions established pursuant to this Act in his department

1 or agency during that calendar year, and the name, rate of
2 compensation, and description of the qualifications of each
3 incumbent, together with a statement of the functions per-
4 formed by each. In any instance in which any such depart-
5 ment or agency head may consider full public report on these
6 items detrimental to the national security, such department
7 or agency head is authorized to omit such items from his
8 annual report and, in lieu thereof, to present such information
9 in executive sessions of such committees of the Senate and
10 House of Representatives as the presiding officers of those
11 bodies shall designate.”

12 (b) Subsection (f) of the first section of the Act of
13 August 1, 1947 (Public Law 313, Eightieth Congress), as
14 amended, as added by subsection (a) of this section, which
15 provides scientific and professional positions for the United
16 States Arms Control Agency, shall not be in effect after
17 December 31, 1961, unless, on or prior to such date, such
18 agency shall have been established by law.

19 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
20 POSITIONS IN DEPARTMENT OF DEFENSE UNDER SEC-
21 TION 1581(a) OF TITLE 10, UNITED STATES CODE

22 SEC. 203. Section 1581 (a) of title 10 of the United
23 States Code, authorizing the Secretary of Defense to estab-
24 lish not more than four hundred fifty scientific and pro-

1 fessional positions in the Department of Defense, is amended
2 by striking out “four hundred fifty civilian positions” and
3 inserting in lieu thereof “five hundred thirty-five civilian
4 positions”.

5 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
6 POSITIONS IN THE NATIONAL SECURITY AGENCY
7 UNDER THE ACT OF MAY 29, 1959

8 SEC. 204. Section 4 of the Act of May 29, 1959 (73
9 Stat. 63; Public Law 86-36), authorizing the Secretary of
10 Defense to establish not more than fifty scientific and pro-
11 fessional positions in the National Security Agency, is
12 amended by striking out “fifty civilian positions” and insert-
13 ing in lieu thereof “sixty civilian positions”.

14 INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL
15 POSITIONS IN THE FEDERAL AVIATION AGENCY UNDER
16 SECTION 302(h) OF THE FEDERAL AVIATION ACT OF
17 1958

18 SEC. 205. (a) Section 302 (h) of the Federal Aviation
19 Act of 1958 (72 Stat. 746; 49 U.S.C. 1343 (f)), authorizing
20 the Administrator of the Federal Aviation Agency to estab-
21 lish not more than fifteen scientific and professional positions
22 in the Federal Aviation Agency, is amended by striking out
23 “fifteen positions” and inserting in lieu thereof “twenty
24 positions”.

1 (b) Section 302 (f) of the Federal Aviation Act of 1958
2 (72 Stat. 746; 49 U.S.C. 1343 (d)), which provides for
3 not to exceed ten positions in the Federal Aviation Agency
4 at rates of annual compensation of not to exceed \$19,500, is
5 amended by striking out “ten positions” and inserting in lieu
6 thereof “twenty positions”.

7 INCREASE IN NUMBER OF SCIENTIFIC, ENGINEERING, AND
8 ADMINISTRATIVE POSITIONS IN THE NATIONAL AERO-
9 NAUTICS AND SPACE ADMINISTRATION UNDER SECTION
10 203(b)(2) OF THE NATIONAL AERONAUTICS AND SPACE
11 ACT OF 1958

12 SEC. 206. (a) Section 203 (b) (2) of the National
13 Aeronautics and Space Act of 1958 (72 Stat. 429; 42
14 U.S.C. 2473 (b) (2)), authorizing the Administrator of the
15 National Aeronautics and Space Administration to establish
16 not more than two hundred and ninety scientific, engineering,
17 and administrative positions in the National Aeronautics and
18 Space Administration, is amended by striking out “two
19 hundred and ninety” and inserting in lieu thereof “three
20 hundred and fifty-five”.

21 (b) (1) The Administrator of the National Aeronautics
22 and Space Administration shall submit to the Congress not
23 later than forty-five days after the close of each fiscal year
24 a report which sets forth, as of the close of such fiscal year—

1 (A) the number of positions established under sec-
2 tion 203 (b) (2) of the National Aeronautics and Space
3 Act of 1958, as amended (42 U.S.C. 2473 (b) (2)) ;

4 (B) the name, rate of compensation, and description
5 of the qualifications of each incumbent of each position
6 established under such section 203 (b) (2) , together with
7 the position title and a statement of the duties and re-
8 sponsibilities performed by each such incumbent;

9 (C) the position or positions in or outside the Fed-
10 eral Government held by each such incumbent, and his
11 rate or rates of compensation, during the five-year pe-
12 riod immediately preceding the date of appointment of
13 such incumbent to such position; and

14 (D) such other information as the Administrator
15 may deem appropriate or which may be required by
16 the Congress or a committee thereof.

17 Nothing contained in this subsection shall require the re-
18 submission of any information required under subparagraphs
19 (B) and (C) of this subsection which has been reported
20 pursuant to this subsection and remains unchanged.

21 (2) In any instance in which the Administrator may
22 find full public disclosure of any or all of the matter covered
23 by paragraph (1) of this subsection to be detrimental to
24 the national security, the Administrator is authorized—

25 (A) to omit in such report those matters with re-

spect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

TITLE III—REALIGNMENT OF COMPENSATION
OF CERTAIN POSITIONS UNDER THE CLASSI-
FICATION ACT OF 1949 AND THE FEDERAL
EXECUTIVE PAY ACT OF 1956

REMOVAL OF CERTAIN POSITIONS FROM THE PURVIEW OF
THE FEDERAL EXECUTIVE PAY ACT OF 1956

SEC. 301. (a) Section 107 (a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206 (a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out the following paragraphs:

“(2) Administrator, Bonneville Power Administration.”;

“(3) Administrator, Farmers’ Home Administration.”;

“(4) Administrator, Soil Conservation Service, Department of Agriculture.”;

“(9) Chief Forester of the Forest Service, Department of Agriculture.”;

“(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.”;

1 “ (11) Commissioner of Customs.”;

2 “ (12) Commissioner, Federal Supply Service, General
3 Services Administration.”;

4 “ (14) Commissioner of Narcotics.”;

5 “ (15) Commissioner, Public Buildings Service.”;

6 “ (17) Commissioner of Reclamation.”;

7 “ (22) Manager, Federal Crop Insurance Corporation,
8 Department of Agriculture.”; and

9 “ (23) Director of Coal Research, Department of the
10 Interior.”.

11 (b) Section 107 (b) of the Federal Executive Pay Act
12 of 1956, as amended (5 U.S.C. 2206 (b)), providing an-
13 nual compensation of \$17,000 for certain positions, is
14 amended by striking out

15 “ (2) Treasurer of the United States.”.

16 CONFORMING CHANGES IN EXISTING LAW

17 SEC. 302. (a) The proviso contained in the first sentence
18 of section 5 (d) of the Farm Credit Act of 1953, as amended
19 (73 Stat. 387; 12 U.S.C. 636d (d)), providing annual com-
20 pensation of \$17,500 for not more than three positions of
21 deputy governor in the Farm Credit Administration, is
22 amended to read as follows: “: *Provided*, That the salary of
23 not more than three positions of deputy governor each shall
24 be fixed by the Board at a rate not exceeding the maximum

1 scheduled rate of the General Schedule of the Classification
2 Act of 1949, as amended”.

3 (b) (1) There is hereby repealed the second sentence
4 of section 4201 of title 18 of the United States Code, pro-
5 viding annual compensation of \$17,500 for each member
6 of the Board of Parole in the Department of Justice, which
7 reads as follows: “The annual rate of basic compensation of
8 each member of the Board shall be \$17,500.”.

9 (2) The section heading of such section 4201 is
10 amended by striking out “; salaries”.

11 (3) The table of contents of chapter 311 of such title
12 18 is amended by striking out
“4201. Board of Parole; members; salaries.”

13 and inserting in lieu thereof
“4201. Board of Parole; members.”.

14 (c) Notwithstanding any other provision of law, the
15 rate of gross annual compensation of the Chief of Staff of the
16 Joint Committee on Internal Revenue Taxation shall be an
17 amount which is equal to \$17,500, as increased in the manner
18 provided by section 4 (r) of the Federal Employees Salary
19 Increase Act of 1958 (72 Stat. 209; Public Law 85-462)
20 and section 117 (g) of the Federal Employees Salary In-
21 crease Act of 1960 (Part B of the Act of July 1, 1960;
22 74 Stat. 304; Public Law 86-568).

1 (d) On and after the effective date of this subsection,
2 section 116(a) of the Federal Employees Salary Increase
3 Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat.
4 303; Public Law 86-568) shall not be applicable with re-
5 spect to the Deputy Director of the Administrative Office of
6 the United States Courts.

7 (e) (1) Section 106(b) of the Federal Executive Pay
8 Act of 1956, as amended (5 U.S.C. 2205(b)), is amended
9 by striking out

10 “(1) Architect of the Capitol.”.

11 (2) Section 107(a) of such Act, as amended (5 U.S.C.
12 2206(a)), is amended by striking out

13 “(5) Assistant Architect of the Capitol.”.

14 (f) Section 202(e) of the Legislative Reorganization
15 Act of 1946, as amended (2 U.S.C. 72a(e)), is amended—

16 (1) by striking out “\$8,880” where it first appears
17 in such subsection and inserting in lieu thereof “the
18 highest amount which, together with additional com-
19 pensation authorized by law, will not exceed the maxi-
20 mum rate authorized by the Classification Act of 1949,
21 as amended,”; and

22 (2) by striking out “\$8,880” at the second place
23 where it appears in such subsection and inserting in lieu
24 thereof “the highest amount which, together with addi-

1 tional compensation authorized by law, will not exceed
2 the maximum rate authorized by the Classification Act of
3 1949, as amended”.

4 (g) (1) This subsection is enacted as an exercise of the
5 rule making power of the House of Representatives with full
6 recognition of the constitutional right of the House of Repre-
7 sentatives to change the rule amended by this subsection at
8 any time, in the same manner, and to the same extent as in
9 the case of any other rule of the House of Representatives.

10 (2) Clause 28 (c) of Rule XI of the Rules of the
11 House of Representatives is amended—

12 (A) by striking out “\$8,880” where it first appears
13 in such clause and inserting in lieu thereof “the highest
14 amount which, together with additional compensation
15 authorized by law, will not exceed the maximum rate
16 authorized by the Classification Act of 1949, as amend-
17 ed,”; and

18 (B) by striking out “\$8,880” at the second place
19 where it appears in such clause and inserting in lieu
20 thereof “the highest amount which, together with ad-
21 ditional compensation authorized by law, will not exceed
22 the maximum rate authorized by the Classification Act
23 of 1949, as amended”.

1 READJUSTMENT OF CERTAIN PAY LEVELS OF THE FEDERAL
2 EXECUTIVE PAY ACT OF 1956 AND REALINEMENT OF
3 COMPENSATION FOR POSITIONS IN SUCH PAY LEVELS
4 AND CERTAIN POSITIONS OF PRESIDENTIAL ASSISTANTS
5 WITH THE COMPENSATION FOR POSITIONS IN GRADE 18
6 OF THE CLASSIFICATION ACT OF 1949

7 SEC. 303. (a) Section 106 (c) of the Federal Exec-
8 utive Pay Act of 1956, as amended (5 U.S.C. 2205 (c)),
9 providing annual compensation of \$18,000 for the Commis-
10 sioners of the Indian Claims Commission, is hereby repealed.

11 (b) Section 107 (a) of such Act, as amended (5 U.S.C.
12 2206 (a)), providing annual compensation of \$17,500 for
13 certain positions, is amended—

14 (1) by striking out “\$17,500” and inserting in
15 lieu thereof “\$18,500”; and

16 (2) by adding immediately below paragraph (23)
17 thereof the following new paragraph (24) :

18 “(24) Commissioner of the Indian Claims Commission
19 (3).”

20 (c) Section 107 (b) of such Act, as amended (5 U.S.C.
21 2206 (b)), providing annual compensation of \$17,000 for
22 certain positions, is amended by striking out “\$17,000” and
23 inserting in lieu thereof “\$18,000”.

24 (d) Section 105 of title 3 of the United States Code,
25 providing for the compensation of certain assistants to the

1 President, is amended by striking out “\$17,500” and insert-
2 ing in lieu thereof “\$18,500”.

3 (e) Section 106 (a) of the Federal Executive Pay Act
4 of 1956, as amended (5 U.S.C. 2205 (a)), providing an-
5 nual compensation of \$20,000 for certain positions, is
6 amended by inserting

7 “(48) General Counsel, United States Arms Con-
8 trol Agency.

9 “(49) Public Affairs Advisor, United States Arms
10 Control Agency.”

11 immediately following

12 “(47) Commissioner of Education.”.

13 **SAVINGS PROVISIONS**

14 SEC. 304. Except as provided by subsections (a), (c),
15 (d), (e), (f), and (g) of section 302 of this title, each po-
16 sition specifically referred to in or covered by any amendment
17 made by sections 301 and 302 of this title shall be placed
18 in the appropriate grade of the General Schedule of the
19 Classification Act of 1949, as amended, in accordance with
20 the provisions of such Act. The incumbent of each such posi-
21 tion immediately prior to the effective date of this section
22 shall continue to receive the rate of basic compensation which
23 he was receiving immediately prior to such effective date
24 until he leaves such position or until he is entitled to receive
25 compensation at a higher rate in accordance with law. When

1 such incumbent leaves such position, the rate of basic com-
 2 pensation of each subsequent appointee to such position shall
 3 be determined in accordance with the Classification Act of
 4 1949, as amended.

5 EFFECTIVE DATES

6 SEC. 306. (a) The foregoing provisions of this title (ex-
 7 cept section 303 (e)) shall become effective at the begin-
 8 ning of the first pay period which begins on or after the
 9 sixtieth day following the date of enactment of this Act.

10 (b) Paragraphs (48) and (49) of section 106 (a) of
 11 the Federal Executive Pay Act of 1956, as amended, as
 12 added by section 303 (e) of this title, which establish
 13 annual compensation of \$20,000 for the positions of General
 14 Counsel and Public Affairs Advisor, respectively, in the
 15 United States Arms Control Agency, shall not be in effect
 16 after December 31, 1961, unless, on or prior to such date,
 17 such agency shall have been established by law.

18 TITLE IV—POSITIONS IN TOP SALARY LEVELS 19 IN THE POSTAL FIELD SERVICE

20 INCREASE IN NUMBER OF AUTHORIZED TOP SALARY LEVEL 21 POSITIONS IN THE POSTAL FIELD SERVICE

22 SEC. 401. Section 3301 of title 39, United States Code,
 23 relating to the maximum number of positions authorized at
 24 any one time for salary levels 17, 18, 19, and 20 in the
 25 postal field service, is amended by adding at the end thereof

1 the following new sentence: “In addition to the number of
2 positions prescribed by subparagraphs (2) to (5), inclusive,
3 of this section, the Postmaster General is authorized to assign
4 a total of not more than forty positions among salary levels
5 17, 18, 19, and 20 as he may determine.”.

Passed the House of Representatives September 18, 1961.

Attest:

RALPH R. ROBERTS,

Clerk.

87TH CONGRESS
1ST SESSION

H. R. 7377

AN ACT

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

SEPTEMBER 19 (legislative day, SEPTEMBER 16), 1961
Received ; read twice, and ordered to be placed on the
calendar

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited).

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HIGHLIGHTS: Senate passed supergrades bill. Several Senators debated merits of milk sanitation standards bill. Sen. Long, Mo., urged aid for poultry producers. Senate Committee reported public works appropriation bill. House debated conference report on Peace Corps bill. House received conference report on bill to extend time for purchase of retirement credit by ASC county committee employees.

HOUSE

- 1. PERSONNEL.** Received the conference report on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, to modify the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, and to provide for permanent indefinite appropriations for the retirement fund (H. Rept. 1240). pp. 19249-50
- 2. PEACE CORPS.** Began debate on the conference report on H. R. 7500, to provide for a permanent Peace Corps. pp. 19251-4
- 3. FORESTRY.** Passed under suspension of the rules S. 302, to authorize the appropriation of \$2 million additional for the purchase of land in the Superior National Forest, Minn. This bill will now be sent to the President. pp. 19263-5
- 4. BOTANIC GARDEN.** Began debate on H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining the

National Tropical Botanic Garden. pp. 19261-3

5. VIRGIN ISLANDS. Conferees were appointed on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation. Senate conferees have not been appointed. p. 19275
6. STEAMSHIP CONFERENCES. Received the conference report on H. R. 6775, to provide for the operation of steamship conferences (H. Rept. 1247). pp. 19289-91
7. MARKETING. Received from the Government Operations Committee a report on consumer protection activities of Federal departments and agencies (H. Rept. 1241). p. 19293
8. WATERSHEDS. Received from the Budget Bureau plans for works of improvement relating to the following watersheds: Escondido Creek, Calif.; Upper Quaboag River, Mass.; Gering Valley, Nebr.; Gum Neck, N. C.; Wagon Creek, Okla.; Pine Creek, Tenn.; and northeast tributaries of the Leon River, Tex.; to Agriculture Committee. p. 19292
Received from the Budget Bureau plans for works of improvement relating to the Box Elder Creek, Mont. watershed; to Public Works Committee. pp. 19292-3
9. FARM PROGRAM. Rep. Latta outlined some of the provisions of the Agricultural Act of 1961, and said, "I opposed the passage of most of them as being unnecessary, unwise, and discriminatory." pp. 19278-9
10. COTTON. Rep. Wickersham discussed the problems of the cotton farmers and the 1962 national cotton allotment and said, "I would see no reason to estimate consumption and exports for the 1962 crop year at less than those for the 1961 crop year." pp. 19279-80
11. FOREIGN TRADE. Rep. Burleson discussed U. S. agricultural exports and the Common Market, saying, "maintaining and expanding agricultural exports is vital to the prosperity of agriculture and the Nation." p. 19280

SENATE

12. PERSONNEL. Passed with amendments S. 1732, to increase the limitation on the number of supergrade and high level scientific positions (pp. 19203, 19233-39). Agreed to an amendment by Sen. Johnston to amend the Executive Pay Act of 1956 to increase the salaries of certain positions from \$17,500 to \$19,000, including the Administrator of the Farmers Home Administration, the Administrator of the Soil Conservation Service, the Chief of the Forest Service, and the Manager of the Federal Crop Insurance Corporation. The amendment also amends the Farm Credit Act to provide that the salaries of the three positions of deputy governor shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949 (rather than the present fixed salary of \$17,500). (pp. 19233-4). Substituted the language of S. 1732 as passed for that of similar bill H. R. 7377 and passed H. R. 7377. Further consideration of S. 1732 was indefinitely postponed. Conferees were appointed. (p. 19239).
13. PUBLIC WORKS APPROPRIATION BILL, 1962. The Appropriations Committee reported with amendments this bill, H. R. 9076 (S. Rept. 1097). p. 19171
14. ECONOMICS. The Foreign Relations Committee reported with amendment S. Con. Res. 41, endorsing the World Economic Progress Exposition (S. Rept. 1088). p. 19171

velopment of weapons delivery systems. In addition, the agreement will permit the United States to transfer by sale, loan or lease, nonnuclear parts of atomic weapons systems in order to improve the state of training and operational readiness of the French military forces.

I wish to emphasize that nothing in this agreement provides for, or permits, the transfer of atomic weapons or any parts of an atomic weapon.

The nonnuclear parts of atomic weapons systems which may be transferred, and to which I have referred, consists of aircraft or missile-launching devices as distinct from parts of a bomb and also various lugs and other devices for attaching the bomb to its plane or its carrier. This will permit the French delivery systems to be readily adaptable to delivering our nuclear weapons in the event of an emergency.

I wish to emphasize also that the information which may be transmitted to the French under this agreement does not involve information which will assist France in the design, development or fabrication of nuclear weapons.

In his message to the Congress, when he submitted the agreement, the President of the United States called attention to the gravity of the current international situation and the role of France in firmly supporting the United States in the current Berlin crisis. The President urged the Congress to take appropriate action to permit the agreement to take effect this session.

House Joint Resolution 569 would waive the 60-day waiting period of section 123 of the Atomic Energy Act and would permit the agreement to take effect without the statutory waiting period.

Mr. President, I recommend that the Senate approve House Joint Resolution 569.

Mr. HICKENLOOPER. Mr. President, I have always been hesitant about disseminating information concerning nuclear weapons to other nations. I have been hesitant because I have not wanted to encourage or assist the discrimination to other nations of information which would develop their nuclear weapon capability. I have also been reluctant to disseminate nuclear weapon information because I do not want classified information concerning our weapons to fall into the hands of our enemies. It has been my strong conviction that classified information concerning nuclear weapons should be carefully guarded and its dissemination extremely limited to those persons within our own Government who have the need to know.

I am supporting the proposed agreement with France on the basis of assurances received from representatives of the Department of State, the Department of Defense, and the AEC that the information to be communicated, pursuant to this agreement, will not include sensitive information for the purpose of assisting the French in the design, development, or fabrication of nuclear weapons. Under the Atomic Energy Act of 1954 the transfer of such information would not be permitted. I am also supporting the agreement on the basis of

the assurance I have received that the information and equipment to be transferred will be properly protected in accordance with the standards required by the United States.

I am supporting the joint resolution to permit the agreement to take effect without the required 60-day waiting period on the basis of the message from the President informing us that he believes it is necessary in our national interest.

Based upon all these positive and strong assurances from the executive branch of the Government, including the President, that the execution and implementation of this agreement within the limitations which they set out is important for our national defense and our national security, I shall support the passage of this measure.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 1732, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1732) to increase the limitation of the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

ATOMIC ENERGY AGREEMENT BETWEEN THE UNITED STATES AND FRANCE

Mr. MANSFIELD. Mr. President, I move that the pending business be temporarily laid aside, and that the Senate resume the consideration of House Joint Resolution 569.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

Mr. GORE. Mr. President, it was my honor and duty to present the pending joint resolution to the Senate on behalf of the Joint Committee on Atomic Energy. Like the distinguished vice chairman, the Senator from Rhode Island, and the distinguished senior Senator from Iowa, I support this joint resolution. It was presented to the Congress by the President of the United States as a priority item for national and international security. It was upon that basis that the Joint Committee on Atomic Energy recommended affirmative action by Congress, in order to give to this joint resolution its approval.

Like other Members of Congress, I have been greatly concerned with the security requirements of our nuclear weapons program. It has been with some feeling of uneasiness that we have entered into bilateral agreements with several other countries. I must confess that it is with some feeling of chance taking that I shall give my approval now to this bilateral agreement with our ally and friend, France. But I resolve the doubts in favor of this measure, and I do so not without, in my view, good cause.

We were given all reasonable assurances that the security of this information will be preserved; and I act upon those assurances, as the distinguished senior Senator from Iowa says he acts upon them. The exchange of this information and this degree of cooperation between the United States and France and between the United States and its NATO allies are necessary in order to implement and augment the NATO forces in Western Europe.

Therefore, Mr. President, I support the joint resolution, and commend it to the favorable consideration of the Senate.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 569) was ordered to a third reading, was read the third time, and passed.

Mr. PASTORE. Mr. President, in view of the fact that the Senate has now taken action on House Joint Resolution 569, which is identical with the corresponding Senate measure, I now ask that Calendar No. 1017, Senate Joint Resolution 135, to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF APPLICATION OF CHAPTER 37 OF TITLE 18, UNITED STATES CODE, RELATING TO ESPIONAGE AND CENSORSHIP

Mr. ANDERSON. Mr. President, recently the Senate passed Senate bill 1895, during the call of the calendar. An identical House bill is pending in the Senate Judiciary Committee. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House bill 2730, an identical House bill, and that the Senate now proceed to its consideration, so that it may be passed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 2730) to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 2730) was ordered to a third reading, was read the third time, and passed.

U.S. ARMS CONTROL AGENCY

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the consideration of House bill 9118, to establish a U.S. Arms Control Agency.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9118) to establish a U.S. Arms Control Agency, which was read twice by its title.

Mr. FULBRIGHT. Mr. President, this bill was only recently passed by the House of Representatives.

I move that all after the enacting clause of the bill be stricken out, and that there be inserted in lieu thereof the text of Senate bill 2180, to establish a U.S. Disarmament Agency for World Peace and Security.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9118) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the title to H.R. 9118 will be amended to read "to establish a U.S. Disarmament Agency for World Peace and Security."

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. SYMINGTON, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

PARTICIPATION IN INTER-AMERICAN CHILDREN'S INSTITUTE

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate Joint Resolution 66.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 66) to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute, which was, to strike out all after the enacting clause and insert:

That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase "for the fiscal years 1961 and 1962" and inserting in lieu thereof the phrase "for the fiscal years 1963 and 1964".

Mr. FULBRIGHT. Mr. President, I move that the Senate concur in the House amendment.

The law providing for membership and participation by the United States in the Inter-American Children's Institute au-

thorizes the appropriation of not to exceed \$50,000 per fiscal year for the fiscal years 1961 and 1962. At the request of the Department of State, the Senate earlier this year approved an amendment striking out the reference to fiscal years 1961 and 1962. The House amendment similarly strikes out this reference, but inserts the phrase "fiscal years 1963 and 1964." The amendment enables the United States to continue participation in the activities of the Children's Institute until the end of 1963.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

EXECUTIVE SESSION

Mr. ANDERSON. Mr. President, I move that the Senate resume the consideration of executive business, to consider the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

The motion was agreed to; and the Senate resumed the consideration of executive business.

COMMISSIONER OF INDIAN AFFAIRS

The legislative clerk read the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 215]

Alken	Gore	Monroney
Anderson	Hart	Mundt
Bartlett	Hayden	Pastore
Beall	Hickenlooper	Pell
Bennett	Hill	Prouty
Bible	Holland	Proxmire
Boggs	Hruska	Randolph
Byrd, Va.	Humphrey	Robertson
Byrd, W. Va.	Jackson	Russell
Cannon	Johnston	Saltonstall
Capehart	Jordan	Scott
Carlson	Keating	Smathers
Carroll	Kefauver	Smith, Mass.
Case, N.J.	Kerr	Smith, Maine
Case, S. Dak.	Kuchel	Sparkman
Cooper	Lausche	Stennis
Cotton	Long, Mo.	Symington
Curtis	Long, Hawaii	Talmadge
Dodd	Magnuson	Thurmond
Douglas	Mansfield	Tower
Dworshak	McCarthy	Wiley
Eastland	McClellan	Williams, N.J.
Engle	McGee	Williams, Del.
Ervin	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The PRESIDING OFFICER. A quorum is present.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ANDERSON. Is the Senate now in executive session?

The PRESIDING OFFICER. The Senate is in executive session. The Senate will be in order.

Mr. ANDERSON. Mr. President, it was my unfortunate circumstance that I was not present in many of the sessions of the Committee on Interior and Insular Affairs when this nomination was officially considered. I therefore hope that other members of the committee will comment at greater length upon this matter than I will.

I merely wish to say that when the nomination was sent to us, there was some evidence given to the Committee on Interior and Insular Affairs in executive session which seemed to reflect upon the nominee for Commissioner of Indian Affairs. I took the responsibility of sending for certain special reports, and also said to the Committee on Interior and Insular Affairs that we would not proceed precipitantly, but take time carefully to consider the nomination.

I feel sure that the committee did consider it carefully, and that each member had an opportunity to examine all the evidence which was placed before it. I believe that the final verdict of the committee is not only in accordance with the desires of the administration to have a good Commissioner of Indian Affairs, but also the desires of the committee to make sure that he will do a good job.

I therefore wish to say that I support strongly the nomination of Mr. Nash, and I hope that the Senate will see fit to confirm the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Philleo Nash to be Commissioner of Indian Affairs?

Mr. DWORSHAK. Mr. President, I had been hopeful that the chairman of the committee would give us a more detailed statement than he did. I want the RECORD to show that the majority

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

Hon. ROBERT S. McNAMARA,
The Secretary of Defense.

DEAR MR. SECRETARY: The continuing controversy over anti-Communist programs and seminars which have been sponsored, and in some cases participated in, by the military has given me grave concern.

It appears to me that a great deal of the controversy has developed because of uncertainty on the part of the military and the public as to the policy of the Department of Defense on this issue. It has been indicated to me that military commanders are unsure of the criteria to be used in determining whether there should be Armed Forces participation in or sponsorship of anti-Communist programs and as to what type of programs are authorized.

A Defense Department directive clearly delineating the role to be played by the Military Establishment in anti-Communist educational programs may be needed to establish suitable guidelines. I would appreciate a report from you as to the present policy of the Department on this issue and would be grateful for your comments on the need for a new Department of Defense directive.

Very sincerely yours,

KENNETH B. KEATING.

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

Mr. KEATING. Mr. President, as long as I have been a Member of the Congress I have supported efforts to remove the unrealistic and arbitrary social security earnings limit. This is the limit which prevents many older persons from continuing to work, because to do so would jeopardize their social security benefits.

Many of us in the Congress, as well as those in the executive branch of our Government, have urged the inauguration of programs to permit the elderly to continue to work and to encourage employers to hire senior citizens. It is completely contradictory to take this position and at the same time to hit a fellow over the head if he continues to work, by taking away all or a good part of his social security entitlement.

The dignity and self-respect of the aged are very much involved in this issue. Many persons find it difficult to retire. They want to continue to lead useful and active lives, and they are in a position to do so; but, because of the social security earnings limitation, it is not advisable for them to continue to work. In addition, many senior citizens are in a position to serve on boards and in capacities of real importance to their communities. Such employment is often discouraged by the ceiling on earnings for those between ages of 65 and 72 who are receiving social security benefits. I am glad the Congress has made progress in recent years in liberalizing the social security earnings limit; but there is still a long way to go. The changes that have been made thus far have been minimal.

While I have supported these revisions, I have stated on a number of occasions that it is my opinion that the social security earnings limit should be eliminated altogether.

Mr. President, I was delighted to note recently that the Saturday Evening Post edition of September 2 contained an excellent editorial pointing up the injustices of the restriction on the earnings of social security beneficiaries. The editorial sets forth a number of convincing arguments.

The editorial was sent to me by a constituent in Tarrytown, N.Y., who firmly agrees with the position of the Post. I should like to call attention to an excerpt from his letter which I think represents a very convincing and important argument in favor of getting rid of the social security earnings limit:

Why should the people on wages and salaries be discriminated against, in favor of those who have been fortunate enough through investments to have some extra income from these investments or from pensions and annuities?

Mr. President, I also ask unanimous consent to have printed at this point in the *RECORD* the text of the Saturday Evening Post editorial of September 2.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

(By Bruce Bilven)

A controversial feature of the social security law is the one that restricts the earnings of the beneficiaries between the ages of 65 and 72. Congress seems to have an uneasy conscience about this matter; repeatedly, since the law was first passed in 1935, the regulation has been liberalized. According to the most recent change, the beneficiary must give up only \$1 for each \$2 that he earns between \$1,200 and \$1,500, and \$1 for each \$1 earned above \$1,500.

A good many people feel that the restriction on earnings ought to be abolished entirely, and numerous bills have been introduced to bring this about. Among the arguments in favor of such action are these.

1. Elderly people need the money. More than one-third of all Americans beyond 65 have no income except social security payments. A study made in Milwaukee, Wis., showed that the average retired couple was receiving a total of \$110 a month at a time when the cost of living for two persons was reckoned at \$186.

2. This law discriminates against those who must work for their living. You may receive unlimited amounts as dividends, interest, pensions, annuities or rentals, without having your social security affected.

3. Conditions have completely changed since the law was passed in 1935, when the great depression was severe. It was intended to force people out of the labor market. Today, in view of our grim contest with Soviet Russia, we need every bit of productive power this Nation possesses.

4. Health experts are unanimous in saying that elderly people ought to do at least some work to preserve their physical and mental vigor.

5. We now have the anomalous situation where the Government is making a big propaganda drive to persuade industry to hire and retain older workers, and then punishes these workers for accepting employment.

That repeal of this limitation would be overwhelmingly popular with the country there is little doubt. However, the Department of Health, Education and Welfare has in the recent past opposed abolition of the restriction. Its arguments are these:

1. It would be expensive. The number of persons receiving benefits would be increased by about 1,400,000; the immediate cost would be \$2 million a year; and the long-range cost would require an increase of 1 percent in the payroll tax.

2. Most of those now receiving social security are not well enough to work for wages.

3. Social security was never intended to be a pension or annuity, but insurance against the hazard of unemployment in old age.

Those who favor abolition of the restriction reply that the actual cost to the economy as a whole would not be nearly so large as the figure quoted indicates, whatever the effect on the cost structure of the social security system.

Abolition of the restriction would reduce the work of those keeping the records, who now alter thousands of monthly checks in accordance with the changing pattern of work.

The Government would obtain a substantial sum in income taxes on the increased earnings of those now receiving social security.

In many cases people who cannot live on their social security benefits—since the dollar has lost half its purchasing power in the past two decades—are a burden on local relief rolls. Permitted to earn as much as they can, some of these would require less help from community agencies, or none.

Almost every cent of the extra money that would be earned would go into buying consumer goods.

As to the health of elderly people, a report by the Department of Health, Education, and Welfare itself, in September 1960, states that only 36 percent of those between 65 and 72 "were unable (because of chronic conditions) to carry on their usual activity or had some limitation in the kind or amount of activity."

While it may be true that social security was not intended as an annuity or pension, it is in fact so regarded today by nearly everybody—including the 1,400,000 who have paid social security taxes in the past and are now prohibited from receiving any benefits.

And finally, some people would argue that if the restriction on earnings is socially undesirable, it should be repealed even though this would at first cost a substantial sum.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. JOHNSTON. Mr. President, there are at the desk two additional committee amendments to the bill. They are identified as "9-12-61-B" and "9-12-61-C." I send to the desk a substitute for the amendment identified with the letter "C." The substitute is in accord with the intent of the original amendment.

The necessity for these amendments grew out of a misunderstanding which existed at the time when the original bill was reported. That misunderstanding was subsequently cleared up, and these amendments have the approval of the

entire committee membership. When I say that, I mean the Republican Members as well as the Democratic Members.

Mr. President, I ask that the additional committee amendments be considered en bloc, after which the bill as amended can then be considered.

The PRESIDING OFFICER. Is there objection? Without objection, the additional committee amendments will be considered en bloc.

The question now is on agreeing to the additional committee amendments.

The amendments were agreed to, as follows:

At the end of the bill add the following new section:

SEC. 5. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205 (a)), is amended to read as follows:

"(4) Administrator of the Small Business Administration."

(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(17) Administrator, Farmers' Home Administration."

"(18) Administrator, Soil Conservation Service, Department of Agriculture."

"(19) Chief Forester of the Forest Service, Department of Agriculture."

"(20) Commissioner of Customs."

"(21) Manager, Federal Crop Insurance Corporation, Department of Agriculture."

"(22) Deputy Administrator, Small Business Administration (4)."

"(23) Commissioner of the Indian Claims Commission (3)."

(d) Section 106(c) of such Act is repealed.

(e) Section 107(a) of such Act is amended by striking out:

"(3) Administrator, Farmers' Home Administration."

"(4) Administrator, Soil Conservation Service, Department of Agriculture."

"(9) Chief Forester of the Forest Service, Department of Agriculture."

"(11) Commissioner of Customs."

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."

(f) Section 107(b) of such Act is amended by striking out the following:

"(1) Deputy Administrator, Small Business Administration (3)."

At the end of the bill add the following new section:

"SEC. 5. The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of \$17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: 'Provided, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended.'"

Mr. JOHNSTON. Mr. President, the effectiveness and efficiency of Federal departments and agencies engaged in defense, intelligence, space exploration, research, crime prevention, and a multitude of other vastly important and highly complex functions depend in part on the type of leadership we are able to attract and retain in Government service.

This measure is concerned primarily with the establishment of additional supergrade and scientific-type positions,

so as to enable the Government to cope successfully with conditions that exist in the world today. The increasing complexities of national programs, the rapidity of scientific breakthroughs, and the expansion of programs all combine to require additional top-level positions.

The bill as reported is designed to meet only the most pressing current needs.

The bill proposes an overall increase of 465 supergrade-type positions and 259 scientific-type positions, or a total increase of 724 for both types of positions.

Of the additional supergrade-type positions authorized, the Civil Service Commission would receive 419, of which 100 are to be held in reserve, for use only upon determination by the President of their initial need. This leaves a total of 319 for allotment by the Civil Serv-

ice Commission, as the needs of the departments and agencies require.

The bill proposes an overall increase of 259 in the number of authorized scientific-type positions. Of this number, 135 are made available to the National Aeronautics and Space Administration, and 75 to the Department of Defense, with the remaining 49 available to the other agencies.

Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a table showing the number of supergrade- and scientific-type positions now authorized, and the number proposed to be authorized by this measure.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Supergrade and scientific-type positions

Agency	Currently authorized	Additional number authorized by S. 1732	Total
A. SUPERGRADE TYPE			
1. Civil Service Commission:			
(a) For allotment to departments and agencies.....	1,108	319	1,427
(b) For allotment only upon order of the President.....		100	100
2. Department of Defense.....	372	28	400
3. National Security Agency.....	50	12	62
4. Immigration and Naturalization.....	11	6	17
5. Specific authorizations to individual departments and agencies.....	600		600
Subtotal.....	2,141	465	2,606
B. SCIENTIFIC TYPE			
1. Department of the Interior.....	5	3	8
2. Department of Agriculture.....	15	3	18
3. Department of Health, Education, and Welfare.....	10	3	13
4. Department of Commerce.....	25	3	28
5. Post Office Department.....		3	3
6. Department of Defense.....	450	75	525
7. National Security Agency.....	50	10	60
8. Federal Aviation Agency.....	25	20	45
9. National Aeronautics and Space Administration.....	290	135	425
10. Library of Congress.....		4	4
11. Existing allotments to other departments and agencies.....	160		
Subtotal.....	1,030	259	1,289
Total.....	3,171	724	3,895

Mr. JOHNSTON. Mr. President, enactment of this measure was requested by the administration. Its specific provisions are fully endorsed by the Bureau of the Budget and the Civil Service Commission. While it stops short of the bill originally requested by the administration, it will meet the most pressing needs of the various departments and agencies, and should, therefore, be enacted into law, inasmuch as it is badly needed at the present time.

Mr. JACKSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. JACKSON. Mr. President, I think all of us know of the important work of the Coast and Geodetic Survey in the Department of Commerce. The work of that bureau in the scientific and technical fields has been outstanding. In the field of oceanography, in particular, the Coast and Geodetic Survey has been doing some very capable work vital to the security of the country.

The Bureau needs four positions in grade 16 of the general schedule requested. At the present time the Bureau has no general schedule positions above grade 15.

The four requested positions would be allocated as follows:

First. Supervisory oceanographer in the Office of Oceanography.

The incumbent of this position would be a recognized authority in the oceanographic field. As principal oceanographic assistant and deputy, he would advise the Assistant Director for Oceanography regarding plans for oceanographic work, represent the Bureau on many committees dealing with oceanography, establish procedures for processing of oceanographic records, evaluate the results of oceanographic surveys, and supervise the preparation of reports dealing with oceanographic activities of the Bureau.

Second. Chief Geodesist in the Office of Physical Sciences. The duties and qualifications would be similar to those outlined above for the supervisory oceanographer except that his work would be in the field of Geodesy and he would advise the Assistant Director for Physical Sciences regarding that subject.

Third. Chief Cartographer in the Office of Cartography. The duties and qualifications would be similar to those outlined above for the Supervisory Oceanographer except that his work

would be in the field of cartography—new mapping and charting concepts, preparation of base manuscripts and reproduction—and he would advise the Assistant Director for Cartography regarding this area.

Fourth. Office of Administration.

The incumbent of this position would be assigned to the office having jurisdiction over the administrative divisions of the Bureau. These include the following: (a) Administrative services, (b) budget and fiscal, (c) instruments, (d) organization and management, (e) personnel and safety, and (f) technical services.

Five additional Public Law 313 positions are requested. At the present time, the Bureau is authorized one position in this classification. It is filled by an outstanding geophysicist whose primary interest is magnetics. The five requested positions would be allocated as follows:

First. Chief scientist in the Office of the Director. The incumbent of this position would be a recognized authority in the general scientific field. He would advise the Director on all Bureau scientific programs, the conduct and administration of research projects, both inhouse and out-of-house, and would be in line for designation as Assistant Director for Research and Development. In that position he would be in overall charge of research and development projects throughout the Bureau—including basic oceanographic research and associated disciplines.

Second. Oceanographer—Research—in the Office of Research and Development.

The incumbent of this position would be an outstanding oceanographer. He would advise the Assistant Director for Research and Development regarding research projects in the field of oceanography, evaluate the results of those studies and make recommendations as to how the results of such projects can be best outlined to advance the scientific stature of the Nation in the oceanographic field.

Third. Geophysicist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of seismology or gravity and its relation to various oceanographic areas.

Fourth. Cartographer—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of cartography.

Fifth. Geodesist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the oceanographer except that his primary interest would be in the field of geodesy, space mechanics, and positioning techniques so vital to accurately positioned oceanwide oceanographic surveys.

The survey has maintained a small technical staff of ably qualified personnel, but the present limitation in the number of positions in the higher salary

brackets places the Bureau in a most unfavorable competitive position with other agencies and private institutions.

Increased sophistication in research programs multiplies the needs for specially qualified scientists almost daily. The scientific field is one in which an agency or institution cannot stand still. They must either advance or regress. To advance they must have qualified personnel to direct the projects and to train the scientists of tomorrow.

Changing techniques and improved instrumentation are causing radical changes in approach to all scientific problems. This is particularly pertinent to the field of oceanography. While this is one of the oldest of the sciences, studies in this field actually started when mankind first began to travel upon the waters of the world; it is only in the relatively last few years that this science has begun to really advance. Oceanography of tomorrow will be as different from oceanography of today as our newest space vehicles differ from the airplane flown at Kitty Hawk by the Wright brothers. In order that the survey may attain and maintain its proper position among the scientific agencies and institutions in this as well as other fields, outstanding scientists must be recruited. Before this recruitment can be accomplished, the requested top pay positions must be authorized.

It is my understanding that there are approximately 319 positions assigned to the Civil Service Commission and 100 to the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. JACKSON. The distinguished chairman of the committee is performing such good service in this area that I do not desire to offer an amendment at this time, in the hope that something can be arrived at in connection with the general allocation of supergrade positions, because of the important work of the Coast and Geodetic Survey in the field of national security.

Mr. JOHNSTON. As chairman of the committee, I placed in the RECORD the statement that the committee was unanimous in its action that these 319 positions should be allocated by the Civil Service Commission and 100 by the President. I certainly hope they will look into the request the Senator from Washington is making at this time, because I think it is a sound and worthy request.

Mr. JACKSON. I appreciate the attitude of the chairman of the committee. In view of his attitude, I shall not offer an amendment dealing with these particular positions.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. HUMPHREY. I wish to ask the Senator a question with reference to the supergrade positions provided in the proposed legislation before the Senate at this time. As I understand, there are provided a little more than 300 additional supergrade positions for the Civil Service Commission to be distributed by the Civil Service Commission. Is that correct?

Mr. JOHNSTON. Three hundred and nineteen.

Mr. HUMPHREY. And an additional 100 are to be allocated at the discretion of the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. While the foreign-aid bill provided for supergrade positions within the bill, it is my understanding, after a careful examination of the Agency's requirements, that under the reorganization, with the new administrator coming in, there may be a need for some additional supergrades. Am I correct in the assumption that, with respect to the 319 positions that the Civil Service Commission has been allocated under the proposed legislation, or out of the 100 that have been set aside to be distributed at the discretion of the President, there is nothing in the bill that would prohibit some of those supergrade positions from being made available for the purposes of the AID administration?

Mr. JOHNSTON. The Senator is correct. In other words, the distribution is left absolutely in the hands of the Civil Service Commission to award the 319 positions and in the hands of the President to award the 100 positions as he sees fit.

Mr. HUMPHREY. In the instance of the Arms Control and Disarmament Agency, if an adequate number of supergrade positions are not provided because of some problems in conference, the President or the Civil Service Commission, from the numbers allocated to them under the bill, will be able to allocate a limited number of their supergrade positions to that Agency. Is that understood?

Mr. JOHNSTON. It is understood that that could be done.

Mr. HUMPHREY. And the same would be true of the Peace Corps agency?

Mr. JOHNSTON. The same would be true as to that agency.

Mr. HUMPHREY. I wanted to establish that there was no prohibition in this legislation to such allocation.

Mr. JOHNSTON. I think the committee will agree with me that we thought, at the time we provided for the distribution of the positions in this manner, the President and the Civil Service Commission would make those supergrade positions available where they were most needed. In the event something comes up next year, they can be taken care of then. This measure will take care of any emergencies.

Mr. HUMPHREY. One further question. I notice the Department of Agriculture was authorized three of these positions by the committee bill. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. I believe five were requested.

Mr. JOHNSTON. That is true.

Mr. HUMPHREY. Did the House authorize five?

Mr. JOHNSTON. It is my understanding that the House authorized five.

Mr. HUMPHREY. So this question will be in conference. Without seeking any commitment from the Senator from

South Carolina, knowing of the needs of the Department of Agriculture, I hope he may make clear the logic of the position of the other body in this connection and that the Senator will be successful in having the conferees accede to such a request.

Mr. JOHNSTON. The Senator from Minnesota, having served with me on the Agriculture and Forestry Committee, knows how I feel about agricultural matters, and he can almost read my mind, I fear, from what he has said.

Mr. HUMPHREY. If I were a farmer, nothing would make me happier than to trust my future to the Senator from South Carolina. The agricultural interests and the farmers have no more true or reliable friends than the Senator from South Carolina.

I could extend these compliments into broader fields, but, in view of the time situation today, I shall limit myself to what I have said. I assure the Senator that my respect and affection for him is much greater than what I have indicated.

Mr. JOHNSTON. I thank the Senator from Minnesota for his remarks. Having served on several committees with him, I can return to him every compliment that he has paid to me.

Mr. HUMPHREY. I thank the Senator.

Mr. KERR. Mr. President, I send to the desk an amendment, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 16, to strike out lines 15 through 18 and insert in lieu thereof the following:

(e) Section 203 (b) (2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473 (b) (2)) is amended by inserting "thirty" in place of "thirteen" and by inserting "four hundred and twenty-five" in place of "two hundred and ninety".

Mr. KERR. Mr. President, the amendment just read would further amend section 203(a)(2) of the National Aeronautics and Space Act in order to meet an urgent requirement affecting the caliber of the top NASA leadership which must carry forward the administration's accelerated program of space exploration.

As reported by the Senate Post Office and Civil Service Committee, a total of 135 additional NASA excepted positions which may be paid up to \$19,000 have been granted. This is the full request of the administration, except the administration requested that 17 of these 135 positions are needed to be paid in the salary range of \$19,000 to \$21,000. At the present time the act authorizes 13 such positions and my amendment would add an additional 17, making a total of 30 out of the 425 which could be paid from \$19,000 to \$21,000. While the difference in salary range of \$2,000 appears to be small, the Space Administration feels that it could make a vital difference in whether it is able to attract and hold the very highest level of technical and executive talent to carry out its new missions, including the successful

achievement of manned lunar landing and safe return.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a copy of a letter dated September 18, 1961, to me as chairman of the Space Committee, from Mr. James E. Webb, the Administrator of NASA, in support of the increase of these additional salaries. As stated in the letter, the amendment is supported by the Bureau of the Budget and the Civil Service Commission.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 1961.

HON. ROBERT S. KERR,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your amendment to S. 1732 to restore to this bill authority to pay up to \$21,000 per annum for 17 of the 135 additional positions provided in the bill for the National Aeronautics and Space Administration is vitally required.

This amendment is also supported by the Bureau of the Budget and the Civil Service Commission.

The Nation's accelerated space program cannot be successfully carried out without the authority to pay an additional 17 of the 135 excepted positions provided in S. 1732 up to \$21,000. These positions will be used for the highest level of scientific and technical management to carry the overall responsibility for major areas in the space program. These positions are essential to NASA's efforts to attract high level technical scientists and engineers from industry who are now being paid far more than NASA will be able to offer them, even with this authority.

It is in the public interest to recognize the importance of paying adequate compensation for key scientific and technical leaders.

The accelerated space program recommended by the President and enacted into law by the Congress calls for one of the greatest scientific and technological efforts our country has thus far undertaken. We cannot afford to invest the billions of dollars this program will involve over the next decade without assuring an adequate number of the very best scientific, technical, and managerial talent this country can produce.

Sincerely yours,

JAMES E. WEBB,
Administrator.

Mr. KERR. At this time, Mr. President, I submit a brief history of this particular provision. The original Space Act of 1958 recognized the need for a small number of top-level positions within the \$21,000 ceiling level, rather than \$19,000. At the time of the enactment of that act, 260 positions were authorized by the Congress, of which 10 could be paid up to \$21,000 and the remainder at up to \$19,000.

Last year the President transferred to NASA the Army Von Braun team on July 1, 1960. At that time the Congress approved additional excepted position authority which increased the authorization from 260 to 290 and specified that a small proportion of these additional positions could be established above \$19,000. Accordingly, the number was increased from 10 to 13. The purpose of my amendment would increase this number of 13 to 30 so that an additional 17 positions of the 135 positions

now recommended by the Post Office and Civil Service Committee could be paid in this higher pay level up to \$21,000.

Without these added positions, I am informed that the current situation within the NASA will be critical indeed. The Administrator of NASA is at the moment engaged in negotiations for key positions in the accelerated space program.

The program has such challenge to the imagination and energies of top-flight people that the NASA feels some confidence in its ability to interest seriously various individuals whose current compensation outside the Government is in the \$30,000 to \$60,000 salary range or more. Such individuals sufficiently challenged are willing to make substantial financial sacrifice if they are indeed satisfied that the importance of the job they are asked to do has merited some special consideration by the Congress in the salary structure.

I am informed that none of the additional key appointments on which the accelerated space program depends can be made within the current authorized 13 positions in the \$19,000 to \$21,000 salary range. Ten of the thirteen present positions are now occupied, two are committed to individuals who have been selected but have not yet reported for duty, and one position is being reserved for the replacement of the Director of the Lewis Research Center, a position which has been vacant since the retirement of the previous Director, Dr. Sharp, earlier this year. Mr. President, in my judgment, it is essential that the NASA be able to offer positions of financial status and salary to those now in the \$21,000 salary range wherever it needs to expand or strengthen its top leadership to handle this new national program. NASA's current planning for the 17 additional positions would provide at least 4 top positions for a new manned lunar landing project organization and 3 positions to set up the leadership for the new manned spacecraft center for which construction is authorized in the current fiscal year 1962 program. Plans also call for four additional deputy positions in headquarters, a deputy associate administrator, three deputy directors of the centers, and two reserved for additional program expansion.

The inability of the NASA to compensate a limited number of these jobs at a \$19,000 to \$21,000 range will have a serious effect on the salaries that can be paid throughout the rest of the excepted position structure. Thus far, those positions paid over \$19,000 are limited to those who have overall responsibility for direction of the major program areas and the largest field centers. The maximum the NASA can pay then is \$19,000 for the key supervisory technical personnel responsible for its major research efforts or large scale systems development projects. As a practical matter, I am told the NASA salary structure underneath these positions in the bulk of its key technical and executive leadership being paid not more than \$17,000 to \$18,000. Industry pays the same level of talent between \$25,000 and \$35,000 a year. The amount of money by which

the ceiling would be moved by this amendment is quite small since it involves a maximum of \$2,000 for each of 17 positions. However, if this authority is not provided, it is believed that NASA's recruiting efforts for the highest positions in a program that will have as its basic objective the advancement of science and technology at the most rapid rate possible over the next 10 years and the utilization of the knowledge gained, both in space and as a feedback to the process of economic growth, will be seriously impaired.

Mr. President, it is well to note that approximately 80 percent of all funds appropriated to the National Aeronautics and Space Administration are expended under contracts. This requires strong and capable leadership in the planning and placing of contracts and in supervising the execution of the contracts to see that the greatest possible value is achieved. It is my opinion that, in such a program requiring vast financial commitments over the next decade, it would appear only prudent that the Congress make this additional modest investment to assure that the NASA has every opportunity to recruit the caliber of leadership required for such sound planning and decisive action in the expenditure of these public funds, and I urge the adoption of this amendment by the Senate.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from North Carolina.

Mr. JORDAN. Mr. President, I am a member of the committee which heard the testimony in regard to the supergrades, along with the Senator from South Carolina [Mr. JOHNSTON], the chairman of the committee. I am thoroughly convinced that Mr. Webb did not ask for a single employee he did not need.

The agency is in its infancy. It is now obtaining a staff. Mr. Webb does not have the necessary personnel with which to staff the agency yet. This is a very highly technical agency. I understand the expenditures are now running about \$5 million a day, and by a year from now will be \$10 million a day. There will be a great waste of money if the agency does not have men capable of doing the necessary job, which is not an ordinary job. This is something entirely new in our history.

I heartily endorse the amendment offered by the Senator from Oklahoma. The 135 positions which the committee granted in the bill reported should be insisted on. The House cut the figure to 65. I hope we can go to conference with a determination to give Mr. Webb a major part of what he asked for because he needs every one of these employees.

I went over this problem with the Administrator again today. He urgently needs these employees.

Mr. KERR. Mr. President, I thank the Senator from North Carolina.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from West Virginia.

Mr. RANDOLPH. The knowledgeable chairman of the Committee on Aeronautical and Space Sciences has presented cogent reasons why the National Aeronautics and Space Administration of the Federal Government needs this type of skilled and scientific personnel.

The National Aeronautics and Space Act of 1958 gave to its created agency a broad and vital mandate, encompassing in part the following missions: the expansion of knowledge of atmospheric and space science; the development and operation of space vehicles and improvement of aeronautical and space vehicles; the preservation of U.S. leadership in aeronautical and space science and technology, and in the application of such knowledge to peaceful activities; interchange of information between civilian and national defense agencies; study of potential benefits to be gained for mankind through space activities; and the cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful applications of the results thereof.

This program needs the intelligence and devotion of men who are attracted by the inspired leadership of James Webb, our Administrator. They must match in degree the imagination, the wisdom, the sacrifice, and the patriotism of Mr. Webb, to insure America's leadership in this new and challenging endeavor.

I serve as a member of the Post Office and Civil Service Committee under the chairman, the Senator from South Carolina [Mr. JOHNSTON], with the able Senator from North Carolina [Mr. JORDAN]. We are impressed by the need.

I endorse the request made in the amendment offered by the Senator from Oklahoma.

Mr. President, our space research effort involves some 14 different space vehicles, each carefully planned for specific research functions, ranging from the original Vanguard with an initial thrust of 28,000 pounds, to the projected Saturn (C-2), for flights in the vicinity of the moon, with an initial thrust of 1,500,000 pounds. To carry on this program, Congress appropriated over \$950 million for research and development for fiscal 1961, more than twice that of the preceding year, and \$1,220 million for NASA research and development in fiscal 1962.

This proposal not only is for an expenditure of necessary funds but also is for an investment which will bring a dividend to this country, and I trust ultimately to the world.

I believe the amendment offered by our distinguished colleague should have the unanimous support of the Senate.

Mr. KERR. I thank the Senator from West Virginia.

Mr. JORDAN. Mr. President, I have one further statement. As the Senator well knows, the figure of 135 is not the number of employees in this category originally requested.

Mr. RANDOLPH. No.

Mr. JORDAN. We cut the request down to the minimum the agency

thought it could possibly get along with, after hearing all the testimony. I think 135 is a minimum figure.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. KERR. I yield to my distinguished colleague.

Mr. MONRONEY. The amendment would not increase the number of supergrades which the committee has authorized for the National Aeronautics and Space Administration beyond that which the committee bill reported.

Mr. KERR. The Senator is correct. It would only direct that of the increase provided by the committee an additional 17 may be graded up to receive between \$19,000 and \$21,000, instead of the maximum of \$19,000.

Mr. MONRONEY. As I compute the figures roughly, the upgrading to levels which the tasks and challenges and scientific knowledge required would cost approximately \$35,000 to \$40,000. For the want of the additional \$2,000 or \$3,000 to pay the men in the range of \$19,000 to \$21,000, we may not be able to get anyone, and we may waste the money if we accept lesser talent for \$16,000 or \$17,000 a year.

Mr. KERR. The Senator has put his finger on the very heart of the problem and the basis for the amendment.

Mr. MONRONEY. In most professions there can be an upgrading and a training up under the slower processes of normal procedure. However, we are in a race to be eminent in space technology and all the developments which may be opened up, so we do not have time to train men of lesser capabilities up to these jobs. We must compete in an already short market for these types of men.

I note every Sunday in the New York Times a half dozen pages or more of advertisements by various electronics and scientific companies pleading for applicants for jobs. Many of these jobs, I am informed, pay more than double the amount we are able to offer in Federal service.

Mr. KERR. The Senator is correct.

Mr. MONRONEY. The amendment is a very good one, and I shall certainly support it, because I think the Senate would be doing less than its duty if it denied the increase in salaries and not the increase in numbers for these 17, as requested by the amendment.

Mr. KERR. I thank my great colleague from Oklahoma for his timely, able, and pointed remarks.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from Washington.

Mr. MAGNUSON. The bill is a very timely one. I have come from a meeting of the Appropriations Committee. All the independent agencies have been before the committee asking for supplemental appropriations. Almost without exception the agencies are asking us to provide in the appropriation bill for some supergrade positions. At times we have done that.

I know we always violate the jurisdiction of the committee of my distin-

guished friend from South Carolina when we do so, but we have had to do it once in a while, in emergencies, and the Senator has kindly consented to go along with it.

This proposal is very timely for another reason. Without exception, every one of the representatives who appeared before the committee asked for an increase in the amount which could be paid for consultants, from \$50 to \$75 or \$100 a day. At one time, about 2 years ago, one agency was given authority to pay \$100, and now all of them want the authority to pay \$100. They claim they do not have people in the departments who can do the work. The SEC says, "We cannot hire actuaries." The ICC says, "We cannot get transportation experts." The Federal Communications Commission says, "We cannot get engineers." These agencies now wish to pay \$100 a day for consultants.

I hope, with the increase in the supergrade positions, the agencies will be able to hire more qualified people, and will not have to spend the money for consultants.

This is a very timely proposal. It will save the Appropriations Committee from consideration of a very difficult problem, when people come before the committee and wish to put legislation in an appropriation bill.

Of course, the National Aeronautics and Space Administration needs many of these people, which I know as well as does the Senator from Oklahoma.

This is a very timely amendment. I hope it will be agreed to unanimously. Perhaps I should suggest that more should be provided, but I know the problem of the committee.

Mr. KERR. I thank the Senator from Washington. I hope the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. KERR. Mr. President, I offer another amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new subsection:

(f) Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 247(f)) is amended by striking out "three" and inserting in lieu thereof the word "seven".

Mr. KERR. Mr. President, the act previously passed creating the National Space Council provided for three persons to be appointed without regard to the civil service laws or the Classification Act of 1949, and compensated at the rate of not more than \$19,000 a year, as may be necessary, to perform such duties as may be prescribed by the Council in connection with the performance of its functions. In view of the greatly expanded space program, which has already been accomplished and authorizations and appropriations passed this year, with further increases contemplated, the

Space Council has requested that the number of supergrades be increased from three to seven, and it is the purpose of the amendment offered by the Senator from Oklahoma to authorize such increase.

I hope the chairman of the committee will accept the amendment.

Mr. JOHNSTON. Mr. President, I accept the amendment and shall take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1732) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I ask that prior to the announcement of the vote the individual views of the distinguished Senator from Pennsylvania [Mr. CLARK] be printed at this point in the RECORD. I think such action is necessary because the Senator from Pennsylvania has made an intensive study of this particular question and I believe that his views are entitled to every consideration.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS

While I concur with the other members of the committee in recommending that the Senate approve S. 1732, I feel that the Congress should delegate to the administration far greater authority to classify positions in the higher levels of the civil service.

When the Congress enacted the Classification Act of 1923, it delegated to the executive branch the responsibility for fixing the pay of individual employees of that branch (other than those holding the few positions whose salaries were set by statute), subject to general standards established by the act. This step was taken in recognition of the fact that Congress has neither the time nor the staff resources to make the analyses which must underlie fair and equitable decisions, on the allocation of individual jobs.

For more than a quarter of a century, the Congress consistently supported the principle that job classification is an executive function. But in the Classification Act of 1949, the Congress began to move away from this principle. In authorizing three new grades, GS-16, GS-17, and GS-18, the so-called supergrades, a statutory limit was set on the number of jobs which could be allocated to those grades.

On various occasions, the limit has been raised. But even when raised, they have continued to bind. Consequently, to get around the limits which the Congress itself has established, the Congress through individual acts has authorized additional supergrade positions for particular agencies. These provisions have been recommended by various committees of the Congress. No common standards have been used. No care-

ful job analyses have been possible. The result is a welter of authorizing legislation and a haphazard distribution of supergrade positions among competing agencies.

The present bill would relieve—for the time being—the pressure caused by the statutory limitations on these positions. What it should do is remove the limits altogether.

The administration testified that it would prefer to have the limitations removed.

Chairman John W. Macy, Jr., of the Civil Service Commission said:

"Although there is general agreement in the executive branch that the best long-range solution of this problem is the removal of all numerical limitations on positions at these levels, the bill takes a more moderate approach."

Mr. Phillip S. Hughes, Assistant Director of the Bureau of the Budget, told the committee:

"As has often been stated, the executive branch would prefer to eliminate the numerical limitation altogether and to rely on the standards and procedures of the Classification Act as administered by the Civil Service Commission to control this portion of the payroll, just as these standards and procedures control allocations to the lower grades."

It may be that the committee bill will meet the most pressing immediate needs of the executive branch. But, sooner or later, as the responsibilities of Government officials continue to increase, as pay scales inside and outside the Government continue to rise, the new limitations will begin to hamper the operations of the Government. More legislative adjustments will then be necessary. Between the time when the needs develop and the time when the adjustments are made, Government agencies will lose out in their competition to attract and hold their share of the best talent and ability of the Nation. All the agency heads who appeared before us testified that their operations were currently suffering, while they await the approval of this bill.

To quote just one of them, Mr. Hugh L. Dryden, Deputy Administrator of the National Aeronautics and Space Agency, told the committee:

"A substantial increase in the top scientific and executive positions is needed to direct the additional internal programs as well as administer and supervise the very large increases in the programs performed by contract. Personnel capable of performing such duties cannot be obtained at the current salaries for GS-15 positions and below.

"The national space program effort is concentrated in the advanced fields of aerospace technology. As is true of any newly emerging field, there is an admittedly short supply in the number of scientific, engineering, and administrative personnel of executive level caliber who have the capabilities and experience to conceive and direct such programs. At a time when our organization will have urgent need to add to its key personnel in the field as well as the headquarters, the increased contracts we will be letting with industry and other institutions will in turn create similar demands on the Nation's supply of qualified personnel in the aerospace fields.

"I remember a similar situation in 1956 when, because of the large salary differential, the NASA was not only unable to hire new personnel from the outside, but sustained very serious losses from our own highly trained staff. It would be very serious if this were to occur again.

"The salary levels for the positions we are requesting are still substantially below the salaries paid by nongovernmental organizations."

I see no reason to continue a system which does nothing to help but much to hamper the agencies of the Government in the discharge of their responsibilities.

We all know of the research organizations, sustained entirely or mainly on Government funds, which have been established largely as a subterfuge to avoid the limits of the Classification Act. They pay their executives up to \$35,000 and \$50,000 a year. All I propose is to give the Government authority to pay up to \$18,500.

The controls which are continued in this bill might be justified if they saved large amounts of money, and did so with fairness to the employees. But neither is the case. The amounts involved are miniscule. A career Federal executive now in the third step of GS-15, whose job warrants GS-16, would receive an \$875 promotion if he is reclassified. Insofar as the numerical limits prevent such reclassification, the Government saves only \$875 per employee, and it does so by unfairly penalizing a public servant who is discharging higher level responsibilities but not receiving the higher pay.

The controls also might be justified if Congress were equipped to administer them. But we are not. The executive branch has the administrative machinery to allocate jobs to salary levels. The Congress has no such machinery. To be fair, a classification system must be maintained in delicate balance, and insofar as Congress tinkers clumsily with that system it is more apt to put it out of balance than to improve it.

On one occasion, a witness testified before our committee that he should be awarded a supergrade, and the committee had to consider whether to assign him such a grade in the bill which it approved. This is not the way such decisions should be made. Obviously, we cannot take the time to hear and act upon the pleas of individual civil servants for salary increases.

The Congress has been or is currently considering a \$47 billion defense appropriation bill, a vastly expanded space research program, a long-range foreign-aid program, major proposals in the fields of education, taxation, agriculture, medical care for the aged, retraining of the unemployed, employment opportunities for youth, and many others. Can we also afford to devote precious hours to deciding how many civil servants, whose jobs we have not studied and cannot study, should receive \$875 salary increases?

I believe that the same Cabinet members and other top executives to whom we delegate the responsibility for spending billions of dollars, drafting thousands of young men into military service, conducting life-or-death research and experimentation, negotiating with foreign nations, building giant public works, deciding the effectiveness of weapons systems, and administering the other manifold functions of the Government can be trusted with the added responsibility of deciding about those \$875 salary increases.

By delegating this responsibility, the Congress would not, of course, lose ultimate control. The operations of agencies and the way in which they spend their funds, including those for salaries, are reviewed annually and intensively by the Appropriations Committees. Our committee and the House Civil Service Committee will continue to exercise general supervision over personnel matters. The Government's central personnel agency, the U.S. Civil Service Commission, which has responsibilities to the Congress as well as to the President, stands as a safeguard to assure Congress that jobs will be allocated to the top grades with the same care that is taken in allocating to grades up to GS-15. Indeed, more care is taken, because every single proposal to place a job in a supergrade is acted on by a majority of the Civil Service Commissioners, and the qualifications of the proposed appointee are

carefully screened by a special review board within the Commission.

My proposal is only that jobs be placed on the salary scale at the point which their duties now justify; it is not a request for a higher scale. Yet, a cold and critical review of the Federal pay structure will convince anyone who is familiar with the salaries in private business and the leading universities that our Federal career leaders in scientific, professional, and managerial ranks are seriously underpaid. A Civil Service Commission survey of large business concerns, conducted last year, clearly demonstrated a serious executive salary lag, with the gap widening the higher up the pay scale one goes in making comparisons. At the top levels, pay could even be doubled and the Government would still be getting many "bargains" for the responsibilities carried and the abilities needed. To remove detailed congressional controls on the number of top career jobs is only one step of several that must ultimately be taken to make the Federal career service really competitive in today's world.

JOSEPH S. CLARK.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1732) was passed.

Mr. JOHNSTON. Mr. President, I move that the Senate proceed to the consideration of H.R. 7377.

The PRESIDING OFFICER. The bill will be stated by title.

THE CHIEF CLERK. A bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I move to strike out all after the enacting clause in H.R. 7377 and to substitute the language of Senate bill 1732 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7377) was passed.

The title was amended, so as to read: "A bill to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

The PRESIDING OFFICER. Without objection, Senate bill 1732 will be indefinitely postponed.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendment and ask for a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON, Mr. MONRONEY, Mr. YARBOROUGH, Mr. JORDAN, Mr. RANDOLPH, Mr. CARLSON, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

THE FUGITIVE FELON ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 749, H.R. 468.

The PRESIDING OFFICER. The bill will be stated by title.

THE CHIEF CLERK. A bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, tomorrow at approximately 12:14 p.m., the Senate will depart in a body for a joint meeting in the Chamber of the House of Representatives for the purpose of greeting the President of Peru.

The pending business is Calendar No. 749, H.R. 468, a bill to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Tomorrow it is contemplated that there will be before the Senate the conference report on H.R. 2010, the migratory labor bill; probably the conference report on H.R. 7500, the Peace Corps bill; and probably a conference report on H.R. 258, the District of Columbia sales tax bill.

On Friday and/or Saturday there will probably be a conference report on the foreign-aid bill. I wish to emphasize the word "probably."

H.R. 9076, the public works appropriation bill, is tentatively—and I wish to emphasize the word "tentatively"—scheduled for consideration on Friday.

It is also possible that the Senate will consider the so-called Du Pont bill and the so-called football TV bill prior to adjournment.

Also, in addition, the Senate will consider H.R. 9169, the supplemental appropriations bill.

THE FUGITIVE FELON ACT

The Senate resumed the consideration of the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Mr. MANSFIELD. Mr. President, the measure now before the Senate is H.R. 468, an act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

It is my understanding that certain Senators wished to be notified when the

measure was called up for consideration. All of them who are in the city and are available have been so notified. One of such Senators is not in the city at the present time. A member of that Senator's staff has conferred with me and told me that that particular Senator would not be in favor of consideration of the bill at this time.

However, in view of the fact that an announcement was made yesterday that the bill would be reported, I feel that I am honor bound to call it up at this time. However, I wish the RECORD to show that the opposition of a particular Senator has been noted, and I assure that particular Senator that, so far as I am concerned, I will do my best to see that the interest of the Senator is protected.

The law now provides, in section 1073 of title 18, United States Code:

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

The bill, H.R. 468, as amended on the floor of the House of Representatives and as passed by the House of Representatives, deletes from the law as stated above the words: "for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees," and substitutes in its place: "for a crime, or an attempt to commit a crime punishable by death, or which is a felony under the laws of the place from which the fugitive flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of said State, or to avoid giving testimony in any criminal proceeding in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place or which, in the case of New Jersey, is a high misdemeanor under the laws of said State."

Further, where the present law provides that violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement, the bill as passed by the House of Representatives adds the words: "and only upon formal approval

in writing by the Attorney General or an Assistant Attorney General of the United States, which function of approving prosecutions may not be delegated."

The effect of the bill as passed by the House of Representatives, therefore, is, in brief, to substitute any felony in the place of the enumerated crimes of murder, kidnaping, burglary, robbery, and so forth, in the present law and also to add the new safeguard that prosecutions may be commenced only upon formal approval in writing by the Attorney General or an Assistant Attorney General, and that this function of approving prosecutions may not be delegated.

In the floor discussion of this bill as passed by the House of Representatives, reliance should not be placed in the printed report of the House, House Report No. 827, as this discusses the bill as reported by the committee and does not reflect the bill as amended on the floor of the House and as passed by the House and as it is before us now.

Mr. President, I ask unanimous consent that at this point in the RECORD there may be inserted a letter to Hon. EMANUEL CELLER, chairman of the House Committee on the Judiciary, and also fugitive felon statistics for the past 5 years, as furnished to me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 23, 1961.

HON. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in answer to your request for information concerning the procedure utilized by the Department in cases involving the Fugitive Felon Act. The policy of the Department is set out in the U.S. attorneys' manual, as follows:

The Fugitive Felon Act does not supersede nor is it intended to provide an alternative for State extradition proceedings. Its primary purpose is to permit the Federal Government to assist in the location and apprehension of fugitives from State jurisdiction.

The manual further requires the approval of an appropriate assistant attorney general before an indictment or a Federal removal proceeding may be instituted. Thus under present procedures when a complaint is issued by the U.S. attorney in the State in which the State offense has been committed, the Federal Bureau of Investigation is requested to conduct an investigation. Upon the arrest of the fugitive, he is turned over to State authorities in the State of asylum and is returned to the State from which he has fled through normal State rendition proceedings. It is, therefore, very seldom that an Assistant Attorney General authorizes the prosecution in the Federal courts under this statute in 9,093 possible instances over a 48 prosecutive applications of the present statute in 9,098 possible instances over a 10-year period.

This procedure, which has operated so effectively in the past in giving aid to the States, will be continued in the event that the fugitive felon statute is amended as we have requested.

I hope that the foregoing satisfactorily answers your inquiry.

Sincerely,

BYRON R. WHITE,
Deputy Attorney General.

Fugitive felon statistics for the last 5 years

	Arrests	Convictions
1956.....	902	11
1957.....	947	6
1958.....	1,021	2
1959.....	1,149	4
1960.....	1,361	2
Total.....	5,380	25

Mr. HART. Mr. President, as the distinguished majority leader has explained, several Members of the Senate have expressed very serious concern with respect to the sweep of this proposed legislation. I should be the first to acknowledge that the Committee on the Judiciary held public hearings on the bill, which is one of several in what have been described as the Attorney General's package of crime bills. At the time of these public hearings, although many witnesses commented on several of the bills in the package, as I recall, no criticism was directed specifically at the proposed amendment to the Fugitive Felon Act.

Subsequently—and I commend the distinguished junior Senator from Oregon [Mrs. NEUBERGER] as having first expressed on the RECORD this concern—some of us sensed that the proposal, if adopted, might very well be a step along the road to a national police force, in the form of the FBI. One of the difficulties always present in connection with comment on legislation such as this is the care with which one must choose his words lest by implication he be earmarked as encouraging organized crime or supporting the activities of organized criminals. All of us applaud the Attorney General in his determination to fight organized crime. We want to give him all the support that this effort demands. At the same time, we go too far when we say in effect that any State which describes something to be a felony can virtually write the ticket and bring Federal police activity into force when anyone flees that State to avoid prosecution for that which, because of tradition and culture, that State regards as a felony. It may well be that the individual who flees enters a jurisdiction where the activity is not a felony, or is not a misdemeanor, and indeed may be quite appropriate or recognized in the community. This admittedly is an exceptional case, but it does reach the point about which concern is expressed, namely, the question of State's rights. On both sides of the Mason-Dixon line voices should be raised in terms of caution, lest we tamper with what, properly defined, is an essential value in our society.

The amendment which limits the authorization for commencement of action under the bill to the Attorney General himself is helpful. I believe we can properly assume that every occupant of that office will act responsibly, and will be sensitive and conscientious. However, I voice the caution that the enactment of the proposed legislation may cause acute embarrassment to an Attorney General some day. It involves

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited).

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For Highlights see page 8.

HOUSE - SEPT. 22

1. PERSONNEL. Received the conference report on H. R. 7377, to increase the limitation on the number of supergrades and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (H. Rept. 1261) (pp. 19618-23). Conferees had been appointed earlier in the day (p. 19561). The conferees agreed to salaries of \$19,000 for the heads of FHA, FS, SCS, and FCIC.

~~Agreed to the conference report on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, to modify the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, and to provide for permanent indefinite appropriations for the retirement fund. p. 19575.~~

~~Passed as reported H. R. 8798, to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon~~

completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage. pp. 19567-8

2. FORESTRY. Received from the President "a report prepared by the Department of Agriculture setting forth a development program for the national forests"; to Agriculture Committee. p. 19624
3. INFORMATION. Received from the Government Operations Committee the eleventh report on availability of information from Federal departments and agencies (H. Rept. 1257). p. 19625
4. TARIFFS. The Ways and Means Committee reported with amendments H. R. 6682, to provide for the exemption of fowling nets from duty (H. Rept. 1258). p. 19625
5. PURCHASING. Passed without amendment H. R. 8099, to remove the limitation on the maximum capital of the General Supply Fund, and (as reported) H. R. 8100, to allow GSA to charge to the consuming agencies the transportation cost of items of supply sent them by request. p. 19567
6. VIRGIN ISLANDS. Received the conference report on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation (H. Rept. 1260). pp. 19606-7
7. TEXTILES. Rep. Hemphill inserted a number of articles on the problems of the textile industry and said, "As a Representative of a textile area, I insist that the Government of these United States holds to my people and to this industry a review of policy and cure the illness of the textile industry in the United States." pp. 19589-94
8. COTTON. Rep. McSween discussed the 1962 cotton outlook and said, "If we move in the direction of reduced acreage, restrictions, and high Government guaranteed prices, we will reverse this whole trend and cotton will become a sick and frustrated industry." pp. 19604-5

SENATE - SEPT. 22

9. FARM LABOR. Continued debate on H. R. 2010, the Mexican farm labor bill (pp. 19445, 19448-9, 19456-71, 19487-500, 19506-39). By a vote of 38 to 33, agreed to a motion by Sen. Jordan to table a motion by Sen. Keating to reconsider the vote by which the Senate declined to table the conference report on Thurs. (pp. 19488-9). By a vote of 43 to 30, agreed to a motion by Sen. Jordan to table a motion by Sen. Keating (for himself and Sen. McCarthy) to defer further consideration of the conference report until Friday, Jan. 19, 1962 (p. 19507).
10. WHEAT. Concurred in the House amendment to S. 1107, to continue the exemption on the production of durum wheat in portions of Modoc and Siskiyou Counties, Calif. (Tulelake area), from acreage allotments and marketing quota restrictions during 1962 and 1963. This bill will now be sent to the President. p. 19494
11. VIRGIN ISLANDS. Agreed to the conference report on H. R. 4750, to amend the Virgin Islands Corporation Act so as to increase the borrowing authority of the Corporation by \$4 million. p. 19526
12. FARM LOANS. Concurred in the House amendment to S. 1040, to abolish the Federal Farm Mortgage Corporation. This bill will now be sent to the President. p. 19495

(Mr. BARRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. BARRY'S remarks will appear hereafter in the Appendix.]

CAPT. ALEXANDER BIELASKI

(Mr. DERWINSKI (at the request of Mr. BARRY) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, truly the tremendous bipartisan activities now in progress are the Civil War centennial observances. The study and appreciation of this tragic, yet great chapter in American history are bipartisan not only in the normal political usage of the word but bipartisan in regional observances as well.

One of the groups actively participating in the Civil War study and commemoration is the American Polish Civil War Centennial Committee, which specifically centers its attention on the activities of Americans of Polish ancestry who fought with both the Union and Confederate forces during our Civil War.

In studying the reports of this committee, I came across material concerning the heroic life of Capt. Alexander Bielaski, who served in the Union Army and was killed at the Battle of Belmont, Mo., on November 7, 1861.

Mr. Speaker, of more than passing interest to me was that Captain Bielaski had been trained in the Russian Army and fought with the Polish forces in the Polish Rebellion against Russia in 1830-31. His record in the cause of freedom in the Polish uprising against czarist domination makes a most inspiring story and coupled with his heroic performance in battle during the Civil War, shows him to be a person of outstanding courage and vigor.

My purpose in bringing this matter to the attention of the House this afternoon is to point out the present-day symbolic relationship of this young Polish soldier who fought for the freedom of his country against autocratic rule, migrated to the United States and fought for the cause of freedom in his adopted country, and current conditions in Poland and with the United States-Soviet relations.

Here we have an amazing parallel where Poland, the country from which the forefathers of many American citizens have come, remains enslaved under autocratic rule, while at the present time Americans of Polish ancestry are most vigorous in their determination to defend the United States and the free world from the threat of international communism.

Mr. Speaker, under leave to insert into the RECORD excerpts from the life story of Capt. Alexander Bielaski from volume 2 of "A Child's History of the United States," by John Gilmary Shea, which was directed to my attention by the American Polish Civil War Centennial Committee.

As I have pointed out, the symbolic circumstances in which Captain Bielaski, a son of Poland, gave his life for freedom in America in 1861 while his homeland suffered under foreign occupation, just as today Poland remains under Communist rule while Americans of Polish ancestry stand shoulder-to-shoulder with all Americans in their willingness to make all possible sacrifices to preserve the freedom not only of our Nation but for all peoples in 1961.

CAPT. ALEXANDER BIELASKI—KILLED AT BELMONT, NOVEMBER 7, 1861

(By John Gilmary Shea)

When the biography of one of our countrymen is to be written, the task is easy in comparison with that of relating the incidents in the life of a foreigner, or describing those traits of character which form the man. Of the native, every kind of information may be gathered from his own family, his friends, and neighbors. Anecdotes of his youth and manhood, events of interest and occurrences of small importance, yet indicative of his turn of mind or disposition, are remembered and detailed by various old acquaintances. Old men recollect him as the boy who shared their sports and their adventures, and recall many an early scene, many a noble act, or kindly deed. Younger men describe the staunch patriot, the true friend; the lofty exhibitions of virtue, truth, bravery, and honor, are described by eloquent pens, and dwell on by loving hearts. To the biographer is left only the pleasing labor of selecting from this bountiful supply of material such as may best serve to portray the man as he was known among us.

How widely different his work when called on for a memoir of one who came from a foreign land a matured man. Few and meager are the bits of information at hand, and who is there to ask for more? All of the kindred and early friends live in distant lands. Shall we turn for information to his brothers? They are somewhere in the Russian Empire—where, no one on this continent knows. Father, mother, sisters, where are they? Can nothing be learned from them? No; the father sleeps in unbroken quiet beneath the sod of that land which he vainly sought to defend with his sword—the sod often red with the blood of young Bielaski. Mother and sisters, if living, are in Poland. Six months ago, he could have told us where, but now that tongue, ever ready to speak truth, can no more tell of friends or country. Embarrassed, we turn to his wife and children, but they are Americans, and know only fragments of his life—a faint outline is all they can draw. That portion of his life which was spent in America, is all that was of import to these young children, and to the wife who thought of him only as her husband, not as a person of historic interest either here or in his native land.

Taking all these difficulties into consideration, the biographer can attempt nothing like a continuous narrative; all that he dare venture is a recital, in a somewhat disjointed way, of such facts as were related to him by Captain Bielaski himself. Facts they undoubtedly were; for none who knew him ever doubted the truth of his assertions.

On the bank of a small lake in the Grand Duchy of Lithuania, on the 1st day of August 1811, Alexander Bielaski was born. At the proper age he was sent to a military academy, where he received his education as a topographical engineer for the Russian Army. In 1831, Poland determined to shake off the yoke of Russian vassalage, and broke out into revolution.

Bielaski, then about 20, engaged with ardent zeal in the cause of his country, and fought valiantly in most of those sanguinary but unequal battles which, in the short space of 8 months, cost the Russians the astounding loss of 180,000 men; and won for Polish courage and patriotism the admiration of all succeeding ages.

When the Polish General Dembinski was retreating from Russia, hard pressed by the enemy in overwhelming force, it became necessary for him to pass a lake near the village of Owanta, over which there was a wooden bridge. Here he must hold the Russian Army in check a sufficient time to enable him to cross, and to take up the flooring as he went. He ordered his favorite battalion of 300 picked men, in which Bielaski was a lieutenant, to form in the woods at the head of the bridge, and guard it until he should accomplish a retreat with his whole army. Dembinski embraced his friend, the commander of the devoted band, waved his hand, and bade them all farewell forever, then pressed forward to save his army. The 300 thus left to inevitable destruction, most gallantly and effectually fulfilled the duty assigned to them; holding their position until Dembinski and the Polish Army effected their escape. They received the Russians as to their numbers by extending their lines: then gradually concentrated them on the head of the bridge, as they became hard pressed in the unequal contest. At last, a full division of the Russian Army came down upon them, charging with the bayonet, killing, wounding, and taking prisoners all except 30 of their number. These, at the order of Bielaski, followed him into a densely wooded swamp, down the side of the lake. Soon the entire Russian Army, in full pursuit of Dembinski, were in advance of Bielaski and his handful of brave soldiers, thus cutting them off entirely from their friends. Undaunted, the remnant of the noble battalion followed; traveling by night, and keeping themselves hidden by day. At one time, all being nearly starved, Bielaski, in order to obtain some food for his men, ventured alone by daylight into a village close by the wood in which his men lay concealed. On entering the town, he found it filled with Russian infantry. Soon meeting a group of officers, he boldly addressed them in the Russian language, which he spoke with fluency. They eyed him suspiciously; but he passed on directly into the village, and coming to a cross-street which led in the direction of the wood in which his party were hidden, he leisurely walked its whole length, constantly passing Russian soldiers. At the end of the street was a fence; suddenly he sprang over this, and ran at full speed for the wood. His men, seeing him coming in such haste, called to know what was the matter? "Oh, nothing," replied Bielaski, "nothing but a regiment of Russian infantry close at my heels." This information made his men fly like a herd of deer; but in spite of their rapid flight several of them were killed by the Russians.

At length, with one man only, Bielaski reached the Polish Army near Warsaw, and reported to his general. In reply to Dembinski's inquiry after his command, he pointed to his single follower, and ordered him to present arms. The old commander turned aside his head and wept. Next day Bielaski and his companion received promotion.

Here I cannot forbear relating a circumstance which took place on the morning of the battle in the streets of Warsaw. An officer of superior rank had, on several occasions previous shown toward Bielaski a most tyrannical spirit, amounting to determined insult. On that morning he repeated his

provoking conduct, and he and Bielaski were carrying on a quarrel which would probably have led to serious consequences, at the moment when the alarm was sounded that the Russians had attacked Warsaw. The two officers separated to prepare for battle. Bielaski had unfortunately sent his regimental pantaloons to the tailor to be mended, and was compelled to go to parade in a pair of white ones. The officer with whom he had been disputing a short time before, saw him on parade in this extraordinary dress, and sharply rebuked him for his unsoldierly appearance. A few hours later, the same officer beheld Bielaski, whom he recognized by the help of the unusual garment, lying to all appearance dead on the ground. Some months after, in the streets of Paris, he suddenly encountered what seemed to him the ghost of his departed fellow officer, risen from the dead to rebuke him. When he became convinced that Bielaski still belonged to this earth, he asked pardon for his past unkindness, and the generous-hearted Pole forgave him.

In this engagement he received a wound in the mouth from a musketball, which carried away all the teeth on one side of the face and came out at the back of the neck. He fell, but still resisting, was bayoneted in the shoulder. Then he lay still, feigning to be dead, until all the party of Russians had passed over him. Then he arose, and staggering to a stone bench which was near, seated himself upon it. Feeling very faint and thirsty, and desecrating some young women on the opposite side of the street who seemed to view him with compassion, he made signs to them for water. One of the girls soon came to him, bringing a glass of pure, colorless whisky: supposing it to be water, and eager to slake his intolerable thirst, he seized it and swallowed the contents at one gulp. The pain caused by the action of the spirits upon this fresh wound was excruciating, but it dispelled the faintness, and he was enabled to reach a hospital which the Poles had established on the outskirts of the city. Here he had not been an hour, before the Russians, having defeated the Poles, were in full possession of the hospital. His position now became very critical, for should he be recognized as a cadet of a Russian military school, who had received his wounds while fighting on the side of Poland, he would doubtless be sent to Siberia, or sentenced to be shot. Fortunately, he escaped suspicion, his wound having so completely disfigured and altered him, that, as he expressed it, his own mother could not have known her Alexander. As soon as he was sufficiently recovered, he left the hospital, and traveled on foot from Warsaw to Paris. Here he offered his services to the French Government and was received into the army. He and his companions in exile were treated with generosity by the French, who allowed them the pay and full rations of soldiers without exacting from them the usual military service.

In 1832, he quit France, and came to America. He landed at Portland, Maine, and very soon after obtained employment as engineer upon a railroad.

At this time he was totally ignorant of the English language, but he had some knowledge of the French, by means of which he managed to make himself understood until he learned by the ear as much of our tongue as sufficed for the ordinary exigencies of life. In after years, he became quite a proficient in the use of English.

In 1835, he went to Florida on a surveying expedition, which carried him into various perils and difficulties. Ever ready to brave danger, he took the lead whenever there appeared ought to dread, and with the same stirring cry which he uttered in his last daring charge, "Follow me!" he would dash into swamps swarming with alligators, or

thickets alive with Seminoles, his very fearlessness seeming to be his safety.

From Florida, he went, in the year 1837, to Illinois, and engaged as engineer on the Illinois Central Railroad, under the well-known engineer and contractor Arthur Hoyt. Here he was occupied in the most laborious duties of the profession; and such was his energy and power of endurance, that often when his assistants, completely worn out, could go no further, he would load himself with their baggage, adding to all, the chain and compass, and thus encumbered, would return to their camp and send back horses for his exhausted comrades. It was while engaged upon this work that he was attacked by ague and fever, the common disease of that country. He felt that his time was too valuable to be wasted in waiting for the slow process of cure in ordinary practice, so he took a whole box of patent pills at one dose, and, when the chill came on, swallowed a tumblerful of pure brandy. He admitted that the remedies would probably have caused death in any other man, but he never had another chill.

He became a citizen of the United States in June 1841, and on the 17th of July 1842 he was married to Miss Mary Ann Carey, of Springfield, Ill. In the following November, he went to the city of Mexico, where he was immediately employed as an engineer. During his residence in that country, he was constantly engaged; sometimes for the Government, sometimes for private individuals; but always for a very handsome salary. In March 1843, he received from Santa Anna papers of naturalization, accompanied by the offer of a high rank in the Mexican Army. This offer he wisely declined; and after remaining 18 months in Mexico, he returned to Illinois, where he devoted 2 years to farming. On the 1st of September 1845, he was appointed to a clerkship in the General Land Office, by General Shields, who was at that time a commissioner. In this post, his talents as a draughtsman were often brought into requisition, and after a time procured him the place of assistant draughtsman.

After passing more than 8 years in the faithful performance of these peaceful duties, Bielaski's warrior spirit was again roused. President Lincoln had known him intimately while a resident in Illinois, and highly appreciated his military capacity. Soon after the commencement of the present war, the President offered him a commission as captain in the regular army, and Bielaski immediately accepted. Upon entering the service, he was attached to the staff of General McClelland, and ordered to Cairo. He delayed only long enough to take his family back to their old home in Springfield, Ill., and then hastened to join the division to which he belonged. The first engagement in which they took part was the Battle of Belmont, which was fought on the 7th of November 1861. Bielaski's horse was shot from under him, and while advancing on foot, with the flag of his adopted country in his hand, shouting to the soldiers to follow him, he fell, instantly killed by a cannonball. General McClelland made many efforts to regain his body, but it had been buried with a mass of other dead, and could not be recovered.

Captain Bielaski was about 5 feet and 8 inches high, broad shouldered, and well formed for strength and endurance, rather than for grace and activity. His face, though disfigured by a shot, was pleasing to look upon, especially when graphically describing some hard-fought battle. Then his gray eyes sparkled with excitement, and the veins in his high, broad forehead would swell as the battle thickened. He was always frank and openhearted, sometimes blunt, but never offensive. He was the soul of truth. His promise to do a thing was, to

all who knew him, an assurance that it would be done.

He has fallen for his adopted country—may that country never forget him.

TOP LEVEL POSITIONS IN GOVERNMENT

Mr. MURRAY submitted the following conference report and statement on the bill (H.R. 7377) relating to top grade positions under Classification Act of 1949, and other matters:

CONFERENCE REPORT (H. REPT. No. 1261)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7377) entitled "An Act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

"Congressional findings and declaration of policy with respect to top grades of Classification Act of 1949

"Sec. 101. (a) The Congress hereby finds that—

"(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

"(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

"(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

"(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans

(other than the Classification Act of 1949) which disregard the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

"(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

"(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

"(b) It is, therefore, hereby declared to be the sense of the Congress—

"(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

"(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

"(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

"Increase in number of authorized top grade positions under Classification Act of 1949

"SEC. 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

"(b) Subject to subsections (c), (d), (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed an aggregate of nineteen hundred and eighty-nine) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority—

"(1) not to exceed 25 per centum of such aggregate number may be placed in grade 17 and not to exceed 10 per centum of such aggregate number may be placed in grade 18;

"(2) fifty of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of this subparagraph;

"(3) fourteen of such positions shall be available only for allocation to the United States Arms Control and Disarmament Agency;

"(4) six of such positions shall be available only for allocation to the Immigration and Naturalization Service of the Department of Justice; and

"(5) four of such positions shall be available only for allocation to the Federal Home Loan Bank Board.

"(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105(j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, is amended by striking out 'three hundred seventy-two positions' and inserting in lieu thereof 'four hundred seven positions.'

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsection:

"(m) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress.

"Conforming changes in existing law

"SEC. 103. The following provisions of law are hereby repealed:

"(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(f), (k), and (l)), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17, and 18 of the General Schedule of such Act for the National Security Council, the Department of the Treasury, and the Interstate Commerce Commission, respectively.

"(2) Sections 202(b) and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C. 1322(b) and 1343(h)), authorizing eight positions and seventy positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 for the Civil Aeronautics Board and the Federal Aviation Agency, respectively.

"(3) The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), authorizing fifteen positions in grades 16, 17, and 18 of such General Schedule for the Small Business Administration.

"(4) Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669), authorizing five positions in grades 16, 17, and 18 of such General Schedule for the National Capital Transportation Agency.

"(5) The proviso in the paragraph under the heading 'FEDERAL POWER COMMISSION' and under the subheading 'SALARIES AND EXPENSES' in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626), authorizing six positions in grades 16, 17, and 18 of such General Schedule for the Federal Power Commission.

"(6) The proviso in the paragraph under the heading 'CIVIL AERONAUTICS BOARD' and under the subheading 'SALARIES AND EXPENSES' in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing ten positions in such grades 16, 17, and 18 for the Civil Aeronautics Board.

"(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377),

containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

"(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective number of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act.

"(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note) authorizing the Secretary of Defense to place ten positions in such grades 16, 17, and 18, which reads as follows: 'and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended.'

"(9) The last paragraph under the heading 'GENERAL SERVICES ADMINISTRATION' in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress), authorizing ten positions in grade 16 of the General Schedule of the Classification Act of 1949 for the General Services Administration.

"(10) That part of the second sentence of section 3 of Reorganization Plan Numbered 1 of 1958, effective July 1, 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not to exceed ten positions of regional director of the regional offices of the Office of Civil and Defense Mobilization to receive compensation under the Classification Act of 1949 without regard to the numerical limitations on positions in section 505 of such Act, which reads as follows: 'except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105).'

"(11) The paragraph under the heading 'COMMODITY CREDIT CORPORATION' in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h, note), authorizing the position of sales manager in the Commodity Credit Corporation to be placed in grade 17 of the General Schedule of the Classification Act of 1949.

"(12) Section 302 of the Act of July 31, 1956 (70 Stat. 743; 5 U.S.C. 517c), authorizing three positions of Deputy Administrator of the Agricultural Research Service, Department of Agriculture, to be placed in grade 18 of such General Schedule.

"(13) That part of the first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167), which reads as follows: 'the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act';

"(14) That part of the sixth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b(a)), authorizing the position of Director of the Bureau of Commercial Fisheries, and of Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, to be placed in grade 17 of the General Schedule of the Classification Act of 1949, which reads: 'at Grades GS-17 each'.

"(15) The second proviso in the paragraph under the heading 'Civil Aeronautics Administration' and under the subheading

'Operation and regulation' in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343, note), authorizing ten positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949.

"Savings provisions"

"SEC. 104. (a) The changes in existing law made by sections 102 and 103 of this title shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

"(b) Positions in grades 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

"TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE"

"Increase in number of positions of a security nature in the National Security Agency under the act of May 29, 1959"

"SEC. 201. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish positions in the National Security Agency, is amended by striking out 'Not more than fifty such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.' and inserting in lieu thereof the following: 'Not more than sixty-five such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.'"

"Increase in number of scientific and professional positions under the Act of August 1, 1947 (Public Law 313, Eightieth Congress)"

"SEC. 202. The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), is amended to read as follows:

"That (a) the Secretary of the Interior is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than twenty scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(c) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than thirteen scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than thirty scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such

position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

"(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

"(f) The Director of the United States Arms Control Agency is authorized to establish and fix the compensation for not more than fourteen scientific or professional positions in the United States Arms Control Agency, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel.

"SEC. 2. (a) Position created pursuant to this Act shall be included in the competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

"(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.

"(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such position authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

"SEC. 3. The head of each department or agency authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in his department or agency during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance in which any such department or agency head may consider full public report on these items detrimental to the national security, such department or agency head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

"Increase in number of scientific and professional positions in Department of Defense under section 1581(a) of title 10, United States Code"

"SEC. 203. Section 1581(a) of title 10 of the United States Code, authorizing the Secretary of Defense to establish not more than four hundred fifty scientific and professional positions in the Department of Defense, is amended by striking out 'four hundred fifty civilian positions' and inserting in lieu thereof 'five hundred thirty civilian positions'.

"Increase in number of scientific and professional positions in the National Security Agency under the Act of May 29, 1959"

"SEC. 204. Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to estab-

lish not more than fifty scientific and professional positions in the National Security Agency, is amended by striking out 'fifty civilian positions' and inserting in lieu thereof 'sixty civilian positions'.

"Increase in number of scientific and professional positions in the Federal Aviation Agency under section 302(h) of the Federal Aviation Act of 1958"

"SEC. 205. (a) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)), authorizing the Administrator of the Federal Aviation Agency to establish not more than fifteen scientific and professional positions in the Federal Aviation Agency, is amended by striking out 'fifteen positions' and inserting in lieu thereof 'twenty positions'.

"(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed \$19,500, is amended by striking out 'ten positions' and inserting in lieu thereof 'twenty-three positions'.

"Increase in number of scientific, engineering, and administrative positions in the National Aeronautics and Space Administration under section 203(b)(2) of the National Aeronautics and Space Act of 1958"

"SEC. 206. (a) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), authorizing the Administrator of the National Aeronautics and Space Administration to establish not more than two hundred and ninety scientific, engineering, and administrative positions in the National Aeronautics and Space Administration, is amended by striking out 'thirteen' and inserting in lieu thereof 'thirty', and by striking out 'two hundred and ninety' and inserting in lieu thereof 'four hundred and twenty-five' (of which not to exceed three hundred and fifty-five may be filled prior to March 1, 1962 and not to exceed three hundred and ninety may be filled prior to July 1, 1962).

"(b) (1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

"(A) the number of positions established under section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2));

"(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

"(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

"(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

"(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

"(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

"(B) to inform the Congress of such omission; and

"(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

"Increase in number of employees of National Aeronautics and Space Council under section 201(f) of the National Aeronautics and Space Act of 1958

"SEC. 207. Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), authorizing the executive secretary of the National Aeronautics and Space Council to employ not to exceed three persons at rates of annual compensation of not to exceed \$19,000, is amended by striking out 'three' and inserting in lieu thereof 'seven'.

"TITLE III—REALIGNMENT OF COMPENSATION OF CERTAIN POSITIONS UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE PAY ACT OF 1956

"Removal of certain positions from the purview of the Federal Executive Pay Act of 1956

"SEC. 301. Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out the following paragraphs:

"(2) Administrator, Bonneville Power Administration.;

"(3) Administrator, Farmers' Home Administration.;

"(4) Administrator, Soil Conservation Service, Department of Agriculture.;

"(9) Chief Forester of the Forest Service, Department of Agriculture.;

"(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.;

"(11) Commissioner of Customs.;

"(12) Commissioner, Federal Supply Service, General Services Administration.;

"(14) Commissioner of Narcotics.;

"(15) Commissioner, Public Buildings Service.;

"(17) Commissioner of Reclamation.;

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture.;

and

"(23) Director of Coal Research, Department of the Interior.;

"Conforming changes in existing law

"SEC. 302. (a) The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of \$17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: 'Provided, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended.'

"(b) (1) There is hereby repealed the second sentence of section 4201 of title 18 of the United States Code, providing annual compensation of \$17,500 for each member of the Board of Parole in the Department of Justice, which reads as follows: 'The annual rate of basic compensation of each member of the Board shall be \$17,500.'

"(2) The section heading of such section 4201 is amended by striking out 'salaries'.

"(3) The table of contents of chapter 311 of such title 18 is amended by striking out '4201. Board of Parole; members; salaries.' and inserting in lieu thereof

"4201. Board of Parole; members.;

"(c) Notwithstanding any other provision of law, the rate of gross annual com-

pensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be an amount which is equal to \$17,500, as increased in the manner provided by section 4(r) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462) and section 117(g) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 304; Public Law 86-568).

"(d) On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.

"(e) (1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out

"(1) Architect of the Capitol.;

"(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

"(5) Assistant Architect of the Capitol.;

"Readjustment of certain pay levels of the Federal Executive Pay Act of 1956

"SEC. 303. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2203(a)), is amended to read as follows:

"(4) Administrator of the Small Business Administration.;

"(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

"(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(17) Administrator, Farmers Home Administration.;

"(18) Administrator, Soil Conservation Service, Department of Agriculture.;

"(19) Chief Forester of the Forest Service, Department of Agriculture.;

"(20) Commissioner of Customs.;

"(21) Manager, Federal Crop Insurance Corporation, Department of Agriculture.;

"(22) Deputy Administrator, Small Business Administration (4).;

"(23) Commissioner of the Indian Claims Commission (3).;

"(d) Section 106(c) of such Act (5 U.S.C. 2205(c)), providing annual compensation of \$18,000 for the Commissioners of the Indian Claims Commission, is hereby repealed.

"(e) Section 107(a) of such Act (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out '\$17,500' and inserting in lieu thereof '\$18,500'.

"(f) Section 107(b) of such Act (5 U.S.C. 2206(b)), providing annual compensation of \$17,000 for certain positions, is hereby repealed.

"(g) Section 106(a) of such Act (5 U.S.C. 2205(a)), providing annual compensation of \$20,000 for certain positions, is amended by inserting

"(48) General Counsel, United States Arms Control and Disarmament Agency.;

"(49) Public Affairs Advisor, United States Arms Control and Disarmament Agency.;

immediately following

"(47) Commissioner of Education.;

"(h) Section 105 of title 3 of the United States Code, providing for the compensation of certain assistants to the President, is amended by striking out '\$17,500' and inserting in lieu thereof '\$18,500'.

"Savings provisions

"SEC. 304. Except as provided by subsections (a), (c), (d), and (e), of section 302 of this title, each position specifically referred to in or covered by any amendment made by sections 301 and 302 of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act. The incumbent

of each such position immediately prior to the effective date of this section shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

"Effective date

"SEC. 305. The foregoing provisions of this title (except section 303(g)) shall become effective at the beginning of the first pay period which begins on or after the sixtieth day following the date of enactment of this Act.

"TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

"Increase in number of authorized top salary level positions in the postal field service

"SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the end thereof the following new sentence: 'In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows: In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, to provide certain additional research and development positions, and for other purposes".

And the Senate agree to the same.

TOM MURRAY,
JAMES C. DAVIS,
THADDEUS J. DULSKI,
DAVID N. HENDERSON,

Managers on the Part of the House.

OLIN D. JOHNSTON,
MIKE MONRONEY,
RALPH W. YARBOROUGH,
B. EVERETT JORDAN,
JENNINGS RANDOLPH,
FRANK CARLSON,
HIRAM L. FONG,
J. CALEB BOGGS,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7377) entitled "An act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the

committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

Positions in top grade of Classification Act of 1949 and related positions.

Title I and section 201 of title II of the House bill relate to positions in the top grades of the Classification Act of 1949, as amended, and comparable positions.

Both the House bill and the Senate amendment amended (1) section 505 of the Classification Act of 1949, relating to the maximum number of positions which may be allocated to grades 16, 17, and 18 of the General Schedule of such act—the so-called top grades—and (2) the act of May 29, 1959 (73 Stat. 63) relating to positions at comparable salary levels for the National Security Agency of the Department of Defense.

The House bill provided for increases in the numbers of positions in grade GS-16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, and comparable positions, as follows:

For the United States Civil Service Commission, for allocation pursuant to section 505(b) of such act, an increase of 370 such positions;

For the Department of Defense, an increase of 40 in the number of positions authorized by section 505(j) of such act;

For the National Security Agency of the Department of Defense, an increase of 20 in the number of positions authorized by the act of May 29, 1959 (73 Stat. 63) to be compensated at rates equal to the rates for such grades GS-16, 17, and 18;

For the Federal Home Loan Bank Board, an increase of 4 in the numbers of such positions presently allocated to the Board by the United States Civil Service Commission, and

For the United States Arms Control and Disarmament Agency, when created, 14 such positions.

The Senate amendment provided for increases in the numbers of positions in grades GS-16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, and comparable positions, as follows:

For the United States Civil Service Commission, for allocation pursuant to section 505 (b) of such Act, an increase of 419 such positions, of which 100 were subject to allocation only by the President of the United States;

For the Department of Defense, an increase of 28 in the number of such positions authorized by section 505(j) of such Act;

For the National Security Agency of the Department of Defense, an increase of 12 in the number of positions authorized by the Act of May 29, 1959 (73 Stat. 63) to be compensated at rates equal to the rates for such grades GS-16, 17, and 18; and

For the Immigration and Naturalization Service of the Department of Justice, 6 positions in such grade GS-16.

The conference agreement authorizes an aggregate of 480 additional positions in grades GS-16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended. Such aggregate number of additional positions comprises an increase of 430 in the number of positions authorized for allocation by the United States Civil Service Commission by section 505(b) of such act, of which increase 50 may be allocated only upon approval of the President and for agencies or functions created after the effective date of this agreement, 14 may be allocated only to the United States Arms Control and Disarmament Agency when created, 4 may be allocated only to the Federal Home

Loan Bank Board, and 6 may be allocated only to the Immigration and Naturalization Service of the Department of Justice;

35 additional positions in such grades in the Department of Defense; and

15 additional such positions in the National Security Agency of the Department of Defense.

Section 102(c) of the House bill added subsections (m) and (n) to section 505 of the Classification Act of 1949 which provided 4 positions in grades 16, 17, and 18 for the Federal Home Loan Bank Board and fourteen positions in such grades for the new United States Arms Control and Disarmament Agency. These positions were to be in addition to the maximum aggregate number of such positions authorized by section 505(b) of the Classification Act of 1949.

The conference substitute eliminates the proposed new subsections (m) and (n), relating to the Federal Home Loan Bank Board and the United States Arms Control and Disarmament Agency, but adds subparagraphs (3) and (5) to section 505(b) of the Classification Act of 1949, which, in effect, earmark or set aside (within the maximum aggregate number of top grade positions rather than in addition thereto) 4 positions for allocation to the top grades of the Classification Act of 1949 by the civil service commissioners only to the Federal Home Loan Bank Board and fourteen positions for allocation to such grades by such commissioners only to the United States Arms Control and Disarmament Agency.

In addition, the conference substitute earmarks in like manner six positions for the Immigration and Naturalization Service of the Department of Justice. These positions were not specifically allocated in this manner by the House bill.

The Senate amendment proposed to amend section 505(b) of the Classification Act of 1949 to provide for an additional 100 top grade positions to be so classified upon a determination of the existence of a need for such positions by the President of the United States. The House bill, as introduced, contained a comparable provision which was not contained in the House bill as reported and as passed the House.

Section 102(a) of the conference substitute, in lieu of this so-called "Presidential pool," adds subparagraph (2) to section 505(b) of the Classification Act of 1949 which, in effect, provides that fifty of the number of top grade positions provided for by such section 505(b) shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of the new subparagraph (2).

In addition, the Senate amendment contained the following sublimitations (not contained in the House bill) on the number of positions which may be placed in such grades, as follows: in grade 17, not to exceed 357 positions; in grade 18, not to exceed 160 positions.

Section 102(a) of the conference substitute adds subparagraph (1) to section 505(b) of the Classification Act of 1949 which provides percentage (instead of numerical) sublimitations to the effect that not to exceed 25 percent of the maximum aggregate number of positions which may be placed in the top grades of such Act may be placed in grade 17 and not to exceed 10 percent of such maximum number may be placed in grade 18.

SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

Title II of the House bill relates to scientific and professional positions and positions of a security nature.

Section 201 of the House bill, relating to certain positions in the National Security Agency for which rates of compensation shall be equal to rates of basic compensation for grades GS-16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, and the conference agreement with respect to such positions in the National Security Agency, are discussed above under the heading "Positions In Top Grades Of Classification Act Of 1949 And Related Positions."

Section 202 of the House bill increased the numbers of scientific and professional positions authorized by the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), for the Department of Defense by 85 new positions; for the Federal Aviation Agency by 10 new positions; and for the National Aeronautics and Space Agency by 65 new positions. The rates of compensation for all such positions were to be not less than \$12,500 nor more than \$19,000 per annum, except that with respect to such new positions for the Federal Aviation Agency (identified as "administrative and managerial") the maximum rate of compensation was not to exceed \$19,500 per annum.

The Senate amendment provided for 75 such new positions for the Department of Defense, 15 such new positions for the Federal Aviation Agency, 135 such new positions for the National Aeronautics and Space Agency, and 4 such new positions (not provided for in the House bill) for the National Aeronautics and Space Council.

The conference agreement provides for 80 such new positions for the Department of Defense, 13 such new positions for the Federal Aviation Agency, and 4 such new positions for the National Aeronautics and Space Council. The conference agreement also provides, with respect to the National Aeronautics and Space Agency, for the establishment of 65 such new positions on or before March 1, 1962; the establishment of 35 additional such new positions during the period beginning March 1, 1962, and ending June 30, 1962; and the establishment of 35 additional such new positions on or after July 1, 1962. Thus, the conference agreement will make available to the National Aeronautics and Space Agency an aggregate of 135 such new positions, of which 65 will be available before March 1, 1962, 100 will be available thereafter but before July 1, 1962, and the entire number of 135 will be available on and after July 1, 1962.

The salary range for all such new scientific and professional positions will be from \$12,500 to \$19,000 per annum, except that (1) the maximum salary for the 13 new positions provided for the Federal Aviation Agency will be \$19,500—the maximum rate presently in effect for the 10 existing positions of the same grades previously authorized for the Federal Aviation Agency—and (2) a maximum salary of \$21,000 per annum is authorized for not to exceed 17 of such new positions authorized for the National Aeronautics and Space Agency.

Section 3(a)(5) of the Senate amendment added a new subsection (j) to the first section of the Act of August 1, 1947 (Public Law 313, Eightieth Congress), which authorized the Librarian of Congress to establish not more than four scientific or professional positions in the Library of Congress for research purposes. The House bill contained no such provision. The committee of conferees has eliminated these positions for the Library of Congress from the conference substitute. The matter of those additional positions for the Library of Congress will be given consideration in the future by the respective Committees on Post Office and Civil Service of the Senate and House of

Representatives upon appropriate demonstration of a need therefor.

A comparative summary of the provisions of the House bill, the Senate amendment, and the conference agreement with respect to scientific and professional positions follows:

Agency	House passed	Senate passed	Conference
1. Department of the Interior	3	3	3
2. Department of Agriculture	5	3	5
3. Department of Health, Education, and Welfare	3	3	3
4. Department of Commerce	5	3	5
5. Post Office Department	3	3	3
6. Department of Defense	85	75	80
7. National Security Agency	10	10	10
8. Federal Aviation Agency:			
(a) Professional, \$19,500	10	15	13
(b) Scientific, \$19,000	5	5	5
9. National Aeronautics and Space Agency	65	135	135
10. Library of Congress	0	4	0
11. U.S. Arms Control Agency	14	0	14
12. National Aeronautics and Space Council	0	4	4

¹ Of this number 17 can be paid up to \$21,000 per year, making a total of 30 who can be paid at this rate. This Agency is authorized 65 immediately upon passage of this legislation, 35 more by Mar. 1, 1962, and the remaining 35 on and after July 1, 1962.

REALINEMENT OF EXECUTIVE POSITIONS

Title III of the House bill removed 20 positions from the purview of section 107(a) of the Federal Executive Pay Act of 1956 and such positions, as a result, were to be within the purview of section 505 of the Classification Act of 1949, as amended, relating to positions in grades GS-16, -17, and -18 of the General Schedule of such Act. Title III increased the rates of compensation prescribed for 2 positions in section 106 (a) of the Federal Executive Pay Act of 1956 from \$18,000 to \$18,500; for 8 positions in section 107 (a) of such Act from \$17,500 to \$18,500; and for 4 positions in section 107 (b) of such Act from \$17,000 to \$18,000. Title III also added, in section 106 (a) of such Act, 2 additional positions for the United States Arms Control and Disarmament Agency, when created, at the \$20,000 rate of compensation prescribed in such section.

The Senate amendment removed no positions from the Federal Executive Pay Act of 1956. The Senate amendment, however, transferred 5 such positions from section 107 (a) to section 106 (b) of such Act, increasing the salaries of such positions from \$17,500 to \$19,000; transferred 1 position from section 106 (a) to section 104 (a) of such Act, increasing the salary from \$20,000 to \$21,000; transferred 4 positions from section 107 (b) to section 106 (b) of such Act, increasing the salaries from \$17,000 to \$19,000; and transferred 3 positions from section 106 (c) to section 106 (b) of such Act, increasing the salaries of 2 such positions from \$18,000 to \$19,000 and the salary of the third such position from \$18,500 to \$19,500;

The conference agreement adopts the provisions of Title III of the House bill with respect to 15 of the 20 positions which such title removed from section 107(a) of the Federal Executive Pay Act of 1956 and adopts the provisions of the Senate amendment with respect to the transfer of the remaining 5 of such 20 positions from such section 107(a) to section 106(b) of such Act. The conference agreement adopts the provisions of Title III of the House bill with respect to increases in rates of compensation for 8 positions in section 107(a) of such Act and with respect to the creation of 2 additional positions in section 106(a) of such Act of the United States Arms Control

and Disarmament Agency. The conference agreement adopts the provisions of the Senate amendment with respect to the transfer of 1 position from section 106(a) to section 104(a) of such Act, with respect to the transfer of 4 positions from section 107(b) to section 106(b) of such Act, and with respect to the transfer of 3 positions from section 106(c) to section 106(b) of such Act.

Sections 302(f) and (g) of the House bill amended section 202(e) of the Legislative Reorganization Act of 1946 and clause 28(c) of Rule XI of the Rules of the House of Representatives to provide that the compensation of the professional and clerical staff members of the standing committees of the House of Representatives may be fixed at a rate not in excess of the maximum rate authorized by the Classification Act of 1949, as amended. The Senate amendment contained no such provision. The conference substitute eliminates these provisions of the House bill.

The committee of conference emphasizes that the elimination of these provisions is not intended to constitute a rejection of the objectives of these provisions on the merits. The committee recognizes the necessity of a joint meeting of representatives of the Committees on Post Office and Civil Service of the Senate and House for the further consideration of this matter in the interest of uniformity of treatment with respect to such committee employees in the House and Senate and in order to insure comparability of talent and pay between the two Houses of Congress with respect to such employees.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

TOM MURRAY,
JAMES C. DAVIS,
THADDEUS J. DULSKI,
DAVID N. HENDERSON,

Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mrs. HANSEN, for an indefinite period, on account of official business.

Mr. STUBBLEFIELD, for Saturday, September 23, through Wednesday, September 27, on account of official business with Mr. Orville Freeman, the Secretary of Agriculture, while in the Louisville, Ky., area.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 30 minutes, on tomorrow.

Mr. ROUSSELOT, for 1 hour, today.

Mr. HECHLER, for 15 minutes, today.

Mr. LANE, for 10 minutes, today.

Mr. HARRIS, for 30 minutes, tomorrow.

Mr. CONTE, for 30 minutes, tomorrow.

Mr. CRAMER, for 30 minutes, today.

Mr. PUCINSKI, for 30 minutes, today.

Mr. FLOOD (at the request of Mr. ROONEY), for 15 minutes, today, on two subjects and to revise and extend his

remarks and to include therein extraneous matter.

Mrs. GREEN of Oregon (at the request of Mr. ROONEY), for 30 minutes, tomorrow, September 23, 1961.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. RILEY.

Mr. THOMPSON of Texas and to include an article.

Mr. DRIGGS and to include extraneous matter.

Mr. BAILEY and to include extraneous matter.

Mr. ASPINALL in two instances and to include extraneous matter.

Mr. WALTER and to include an address he delivered last night at Carnegie Hall.

Mr. SIKES in five instances and to include extraneous matter.

Mr. LANE in five instances and to include extraneous matter.

Mr. KYL (at the request of Mr. GROSS) and to include extraneous matter.

Mr. CONTE and to include extraneous matter.

Mr. GREEN of Pennsylvania and to include an address.

Mr. JOELSON and to include extraneous matter.

Mr. BLATNIK and to include an address.

Mrs. NORRELL in two instances.

Mr. BREEDING.

Mr. PIKE.

Mr. CRAMER to extend his remarks in the body of the RECORD following the proceedings today in two instances and to include extraneous matter.

Mr. CHENOWETH and to include extraneous matter.

Mr. PATMAN to extend his remarks in the body of the RECORD following the proceedings today in two instances and to include extraneous matter.

Mr. BENNETT of Michigan in two instances, in each to include extraneous matter.

Mr. PETERSON and to include extraneous matter.

Mr. PUCINSKI in 10 instances and to include extraneous matter.

Mr. MADDEN in two instances and to include an editorial.

Mr. JUDD in three instances and to include extraneous matter.

Mr. ROBERTS in two instances and to include extraneous matter.

Mr. DONOHUE in 10 instances, in each to include extraneous matter.

Mr. VANIK to revise and extend the remarks he will make in his special order tomorrow.

Mr. PRICE in five instances, in each to include extraneous matter.

Mr. O'HARA of Michigan in five instances, in each to include extraneous matter.

Mr. EDMONDSON and include extraneous matter.

Mr. ULLMAN in five instances, in each to include extraneous matter.

Mrs. GREEN of Oregon.

(The following Members (at the request of Mr. CONTE) and to include extraneous matter:)

MR. DERWINSKI.
MR. BARRY.
MR. ELLSWORTH in 10 instances.
MR. SCRANTON in two instances.
MR. ALGER in five instances.
MR. CONTE in 10 instances.
MR. DEROUNIAN in six instances.
MR. LAIRD in five instances.
MR. GOODLING.
MR. WILSON of California in three instances.

MR. BRUCE.
MR. VAN ZANDT in five instances.
(The following Members (at the request of Mr. BARRY) and to include extraneous matter:)

Mrs. BOLTON in three instances.
MR. BRUCE in 10 instances.
MR. MICHEL in five instances.
MR. GOODLING.
MR. McCULLOCH.

(The following Members (at the request of Mr. ROONEY) and to include extraneous matter:)

MR. TOLL in two instances.
MR. COOK in four instances.
MR. KARTH in four instances.
MR. MULTER in six instances.
MR. MACDONALD in four instances.
MR. DENT in six instances.
Mrs. KELLY.
MR. GALLAGHER in two instances.
MR. FOUNTAIN.
MR. HEMPHILL in two instances.
MR. GILBERT in three instances.
MR. DULSKI in four instances.
MR. MORRIS in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 167. An act to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

S. 383. An act to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 970. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mid-State reclamation project, Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

MR. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 468. An act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act;

H.R. 1777. An act to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes;

H.R. 2181. An act for the relief of Kim Dom Yong;

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to

extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 2732. An act to amend section 303 (c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings;

H.R. 4357. An act to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act;

H.R. 4682. An act to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa;

H.R. 6122. An act for the relief of Maria Luisa Reis (nee) Loys;

H.R. 6845. An act to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard;

H.R. 7500. An act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower;

H.R. 7657. An act to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to provide a specific statutory authority for prosecution of bad check offenses;

H.R. 7854. An act to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to provide for the abandonment of the 21st Avenue West Channel, and for other purposes;

H.R. 1888. An act to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof;

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 8958. An act to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.;

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes;

H.J. Res. 453. Joint resolution relating to deportation of certain aliens; and

H.J. Res. 459. Joint resolution to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 1440. An act to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operator's licenses;

S. 2102. An act to redesignate the Jefferson division of the eastern district of Texas as the Marshall division; and

S. 2295. An act to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

MR. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 7500. An act to provide for a Peace Corps to help the peoples of interested

countries and areas in meeting their needs for skilled manpower; and

H.J. Res. 225. Joint resolution to create a regional agency by Intergovernmental compact for the planning, conservation, utilization, development, management, and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat, and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency.

RECESS

The SPEAKER pro tempore. The House will stand in recess until 10 o'clock tomorrow morning.

Accordingly (at 6 o'clock and 19 minutes p.m.) the House stood in recess until 10 o'clock a.m. on Saturday, September 23, 1961.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1340. A communication, from the President of the United States, transmitting a report prepared by the Department of Agriculture setting forth a development program for the national forests; to the Committee on Agriculture.

1341. A letter from the Assistant Secretary of Agriculture, transmitting the April 1961 report of the General Sales Manager concerning the policies, activities, and developments, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support; to the Committee on Appropriations.

1342. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to provide that the Commissioners may accept or permit the acceptance of the performance by volunteers of services for and on behalf of the municipal government of the District of Columbia"; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

MR. McMILLAN: Committee of Conference. H.R. 258. A bill to amend the District of Columbia Sales Tax Act so as to increase the rate of tax imposed on gross receipts from certain sales, and for other purposes (Rept. No. 1253). Ordered to be printed.

MR. GREEN of Pennsylvania: Committee on Ways and Means. H.R. 2016. A bill to provide that States and political subdivisions which operate liquor stores shall not be required to pay more than one tax as a retail dealer in liquor; with amendment (Rept. No. 1254). Referred to the Committee of the Whole House on the State of the Union.

MR. MILLS: Committee on Ways and Means. H.R. 8938. A bill to provide a more definitive tariff classification description for lightweight bicycles; with amendment (Rept. No. 1255). Referred to the Committee of the Whole House on the State of the Union.

MR. BONNER: Committee on Merchant Marine and Fisheries. S. 1728. An act to

House of Representatives

FRIDAY, SEPTEMBER 22, 1961

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 145: 18: *The Lord is nigh unto all them that call upon Him, to all that call upon Him in truth.*

Almighty God, by whose grace we have been brought to a new day, may all of its hours be radiant with Thy presence and may we find our delight in doing Thy will.

Grant that we may experience a renewal of dedication and devotion as we become more fully and fervently imbued with a sense of mission.

Make us strong and valiant in these times when there are forces of evil which have no respect for the freedom and rights of man.

May the divisions and dissensions that prevail among the nations soon come to an end and all the members of the human family be bound together into a deeper and more joyous fellowship.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 468. An act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act;

H.R. 1777. An act to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes;

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 6122. An act for the relief of Maria Luisa Reis (nee) Loys;

H.R. 8652. An act relating to the income tax treatment of certain losses sustained in converting from street railway to bus operations;

H.R. 8958. An act to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a United States Air Force aircraft at Midwest City, Okla.; and

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 167. An act to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes;

S. 383. An act to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes;

S. 970. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mid-State reclamation project, Nebraska, and for other purposes;

S. Con. Res. 41. Concurrent resolution endorsing the World Economic Progress Exposition; and

S. Con. Res. 47. Concurrent resolution to print additional copies of report entitled "Freedom of Communications."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4750) entitled "An act to amend section 6(a) of the Virgin Islands Corporation Act," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. JACKSON, Mr. CARROLL, Mr. DWORSHAK, and Mr. KUCHEL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8291) entitled "An act to enable the United States to participate in the assistance rendered to certain migrants and refugees," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. WILEY, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8444) entitled "An act to amend the act of August 12, 1955, relating to elections in the District of Columbia," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. MORSE, and Mr. PROUTY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 258) entitled "An act to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes."

The message also announced that the Senate requests that the House return to the Senate the bill (H.R. 8558) entitled "An act to amend section 303(a) of title

23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes."

The message also announced that the Vice President has appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the U.S. Government," for the disposition of executive papers referred to in the Report of the Archivist of the United States numbered 62-7.

PEACE CORPS

The SPEAKER pro tempore. The Chair desires to announce that pursuant to the authority granted the Speaker pro tempore on Thursday, September 21, 1961, he did on that day sign the following enrolled bill of the House:

H.R. 7500. An act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

TOP-LEVEL POSITIONS IN THE GOVERNMENT

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

The Chair hears none and appoints the following conferees: Messrs. MURRAY, JAMES C. DAVIS, DULSKI, HENDERSON, CORBETT, GROSS, and JOHANSEN.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that the managers on the part of the House on the bill H.R. 7377 have until midnight to file a conference report on that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE HONORABLE PAUL J. KILDAY

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I was pleased to read the many tributes paid to our colleague, the Honorable PAUL KILDAY of Texas, during yesterday's session of the House. The best speech I could make at this point would be to say I concur completely in the many fine things said about PAUL KILDAY in those tributes. I know of no one more deserving of the admiration of his colleagues than the gentleman from Texas.

I came to Congress in 1945 and was assigned to the Military Affairs Committee. That was my good fortune because it marked the beginning of a long association with PAUL KILDAY, which was continued to this day through service on the House Armed Services Committee.

There is no adequate way to measure the importance of PAUL KILDAY's service to members of the armed services of this Nation. He was the leading force in most of the beneficial legislation for servicemen which has been enacted in the past 20 years.

His sharp legal mind, his retentive memory, served his colleagues on the Armed Services Committee in assisting them in following legislative programs before the committee. In my 18 years in Congress I have never known a more able legislator, either in the tedious writing of legislation in committee or in the presentation of it on the House floor. In both instances PAUL KILDAY was a master.

It is fitting that his great ability should be recognized by the President of the United States by his appointment to the Court of Military Appeals, because PAUL KILDAY was the architect of the legislation creating the present code of military justice. No one has shown greater interest in this field than the gentleman from Texas.

I join my House colleagues in expressing their regret in losing PAUL KILDAY in this Chamber, but because I know of his own happiness in going to a judicial bench in an area in which he had such deep interest, I congratulate PAUL and I assure him he carries with him my sincere good wishes.

DAG HAMMARSKJOLD

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the free world is saddened by the death of Dag Hammarskjöld. He made a valiant effort to hold the United Nations together and to have it contribute to the cause of peace and understanding. It would be a cruel thing to say that the U.N. is as dead as its Secretary General, and that to mourn the passing of one is to mourn the passing of both. But cruel or otherwise, there is little else to say about that organization which once carried such high hopes. Possibly leadership can be found which will breathe new life and new hopes into it. I hope this is to be the case. If it does not happen soon, the best course could be speedy burial for an organization which is now little more

than a sounding board for propaganda, most of it directed against us.

I regret to state that I am disillusioned with the United Nations, but I am. There is still a chance for it to justify its existence, but I am not optimistic. The United Nations is in crisis. Many of its members make no pretense of paying their bills. The Russians pay for no activities which they do not support. In consequence the costs are passed on to us. A large number of U.N. members are new nations, representing little bits and pieces of territory, few of them with reason for being in existence. Yet the rawest nation from the deepest jungle in Africa has exactly the same vote in the U.N. that the United States has. Recently the U.N. directed an attack on the Province of Katanga in the Congo. By no stretch of the imagination is there authority for the U.N. to settle internal problems of government within nations. Strangely enough this action, for which the United States will pay most of the bill, was beneficial only to Communist aims. The Katanga government is pro-Western. The Congo Government claims to be neutral but it has in it many with Communist leanings.

We are close to being in the minority in the U.N. We are hard pressed to maintain a majority position in matters of fundamental importance to the future of the free world. Witness the growing clamor for the admission of Red China to the U.N. The U.N. shunned a strong case against Russia in the rape of Hungary; has been unable to achieve a settlement in Korea, and seems largely unconcerned with Russia's course on Berlin or about the renewal of nuclear testing. It appears safe to say the U.N. is being used more and more successfully by Russia as a vehicle to promote Communist aims. Through it all, uncertain neutrals, nearly all of them feeding at our table, seem unable to comprehend the U.N. as anything more than a debating society.

It is time for an awakening. Sentiment will dictate that we should continue our support for the U.N., just because it is the right thing to do. What's right for this Nation and for freedom may be entirely different and this is the more important thing to me. We should make a new and a positive effort to awaken the U.N. to its responsibilities. We should provide strong leadership which clearly delineates the choice before the world between democracy and communism. We should insist upon a proper sharing of the costs of the U.N. But failing to achieve a realistic response, we should be prepared to cut the purse strings, to make new alliances with those nations who recognize that their security and ours are identical, and if necessary we should turn our backs upon this latest and presently disappointing alliance for world understanding.

(Mr. LANE asked and was given permission to extend his remarks at this point in the Record.)

[Mr. LANE'S remarks will appear hereafter in the Appendix.]

THE LATE HONORABLE OVERTON BROOKS

(Mr. VINSON (at the request of Mr. RIVERS of South Carolina) was given permission to extend his remarks at this point in the Record.)

Mr. VINSON. Mr. Speaker, we were saddened last Saturday, September 16, to learn of the death of our very distinguished colleague, the late Overton Brooks.

Overton Brooks most assuredly died in the service of the Nation he so dearly loved.

He was indefatigable and even up to the last moments of his life, concerned himself with the problems of our space program and all of its connotations for the future security of the Nation.

For many years, he served as a member of the Military Affairs Committee. In 1947 he became a member of the Armed Services Committee. As we worked together, I soon learned that he was dedicated not only to his work as a Member of Congress, but to the security of the Nation and especially to the Reserve Forces that constitute such a vital segment of our national defense.

He eventually earned the unchallenged title of "Mr. Reserve."

I think it is fair to say that Overton Brooks contributed more than any other man in the Nation to the building up of a strong reserve structure as a part of our Armed Forces.

When he assumed the grave and heavy responsibilities of chairman of the Science and Astronautics Committee, he continued to exercise that same degree of devotion to duty, dedication to national problems, and willingness to work long and arduous hours, in the interests of our Nation.

Overton Brooks was a veteran of World War I. I think it can be truly said that he was also a veteran of the cold war, and, most assuredly, a casualty of the cold war.

I extend to his bereaved family my heartfelt sympathy.

(Mr. RIVERS of South Carolina asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. RIVERS of South Carolina. Mr. Speaker, I desire to pay my tribute to OVERTON BROOKS with whom I have served in the House of Representatives for 21 years. He was a gentleman of the old school, a dedicated and patriotic American whom we shall keenly miss. He was a devoted legislator, an able, conscientious citizen; he was a loving father and a good husband. His district and the State of Louisiana mourn his passing which is a matter of sadness to all of us. His unquestioned integrity and his devotion to his country were clearly evident to all of us who were privileged to know him and to work with him. I am one of those who had the honor to serve with him on the Committee on Armed Services for many years and to come to know him well. Though his untimely passing deprives us of his presence here, it is consoling to know this man leaves the greatest heritage that a man can leave,

TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF
1949 AND OTHER MATTERS

-----Ordered to be printed

Mr. MURRAY, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H.R. 7377]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7377) entitled "An Act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION
ACT OF 1949

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY WITH RESPECT
TO TOP GRADES OF CLASSIFICATION ACT OF 1949

SEC. 101. (a) *The Congress hereby finds that—*

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order

to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregard the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

INCREASE IN NUMBER OF AUTHORIZED TOP GRADE POSITIONS UNDER
CLASSIFICATION ACT OF 1949

SEC. 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

"(b) Subject to subsections (c), (d), (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed an aggregate of nineteen hundred and eighty-nine) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority—

"(1) not to exceed 25 per centum of such aggregate number may be placed in grade 17 and not to exceed 10 per centum of such aggregate number may be placed in grade 18;

"(2) fifty of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of this subparagraph;

"(3) fourteen of such positions shall be available only for allocation to the United States Arms Control and Disarmament Agency;

"(4) six of such positions shall be available only for allocation to the Immigration and Naturalization Service of the Department of Justice; and

"(5) four of such positions shall be available only for allocation to the Federal Home Loan Bank Board."

(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105(j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, is amended by striking out "three hundred seventy-two positions" and inserting in lieu thereof "four hundred seven positions".

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsection:

"(m) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress."

CONFORMING CHANGES IN EXISTING LAW .

SEC. 103. The following provisions of law are hereby repealed:

(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (f), (k), and (l)), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17, and 18 of the General Schedule of such Act for the National Security Council, the Department of the Treasury, and the Interstate Commerce Commission, respectively.

(2) Sections 202(b) and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C. 1322(b) and 1343(h)), authorizing eight positions and seventy positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 for the Civil Aeronautics Board and the Federal Aviation Agency, respectively.

(3) The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), authorizing fifteen positions in grades 16, 17, and 18 of such General Schedule for the Small Business Administration.

(4) Section 205(a)(11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669), authorizing five positions in grades 16, 17, and 18 of such General Schedule for the National Capital Transportation Agency.

(5) The proviso in the paragraph under the heading "FEDERAL POWER COMMISSION" and under the subheading "SALARIES AND EXPENSES" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626), authorizing six positions in grades 16, 17, and 18 of such General Schedule for the Federal Power Commission.

(6) The proviso in the paragraph under the heading "CIVIL AERONAUTICS BOARD" and under the subheading "SALARIES AND EXPENSES" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing ten positions in such grades 16, 17, and 18 for the Civil Aeronautics Board.

(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377), containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

"(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective number of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act."

(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note) authorizing the Secretary of Defense to place ten positions in such grades 16, 17, and 18, which reads as follows: ", and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended".

(9) The last paragraph under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation

Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress), authorizing ten positions in grade 16 of the General Schedule of the Classification Act of 1949 for the General Services Administration.

(10) That part of the second sentence of section 3 of Reorganization Plan Numbered 1 of 1958, effective July 1, 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not to exceed ten positions of regional director of the regional offices of the Office of Civil and Defense Mobilization to receive compensation under the Classification Act of 1949 without regard to the numerical limitations on positions in section 505 of such Act, which reads as follows: "except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105)".

(11) The paragraph under the heading "COMMODITY CREDIT CORPORATION" in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451, 15 U.S.C. 714h, note), authorizing the position of sales manager in the Commodity Credit Corporation to be placed in grade 17 of the General Schedule of the Classification Act of 1949.

(12) Section 302 of the Act of July 31, 1956 (70 Stat. 743; 5 U.S.C. 517c), authorizing three positions of Deputy Administrator of the Agricultural Research Service, Department of Agriculture, to be placed in grade 18 of such General Schedule.

(13) That part of the first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167), which reads as follows: "the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act;"

(14) That part of the sixth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b(a)), authorizing the position of Director of the Bureau of Commercial Fisheries, and of Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, to be placed in grade 17 of the General Schedule of the Classification Act of 1949, which reads: "at Grades GS-17 each".

(15) The second proviso in the paragraph under the heading "CIVIL AERONAUTICS ADMINISTRATION" and under the subheading "OPERATION AND REGULATION" in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228, 49 U.S.C. 1343, note), authorizing ten positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949.

SAVINGS PROVISIONS

SEC. 104. (a) The changes in existing law made by sections 102 and 103 of this title shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) Positions in grades 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

INCREASE IN NUMBER OF POSITIONS OF A SECURITY NATURE IN THE NATIONAL SECURITY AGENCY UNDER THE ACT OF MAY 29, 1959

SEC. 201. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish positions in the National Security Agency, is amended by striking out "Not more than fifty such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule," and inserting in lieu thereof the following: "Not more than sixty-five such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule."

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS UNDER THE ACT OF AUGUST 1, 1947 (PUBLIC LAW 313; EIGHTIETH CONGRESS)

SEC. 202. The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), is amended to read as follows:

"That (a) the Secretary of the Interior is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel."

"(b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than twenty scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel."

"(c) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than thirteen scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel."

"(d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than thirty scientific or professional positions in the Department of Commerce, of which not less than five shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel."

"(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel."

"(f) The Director of the United States Arms Control Agency is authorized to establish and fix the compensation for not more than fourteen scientific or professional positions in the United States Arms Control

Agency, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel.

"SEC. 2. (a) Positions created pursuant to this Act shall be included in the competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

"(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.

"(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

"SEC. 3. The head of each department or agency authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in his department or agency during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance in which any such department or agency head may consider full public report on these items detrimental to the national security, such department or agency head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS
IN DEPARTMENT OF DEFENSE UNDER SECTION 1581(a) OF TITLE 10,
UNITED STATES CODE

SEC. 203. Section 1581(a) of title 10 of the United States Code, authorizing the Secretary of Defense to establish not more than four hundred fifty scientific and professional positions in the Department of Defense, is amended by striking out "four hundred fifty civilian positions" and inserting in lieu thereof "five hundred thirty civilian positions".

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS
IN THE NATIONAL SECURITY AGENCY UNDER THE ACT OF MAY 29,
1959

SEC. 204. Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish not more than fifty scientific and professional positions in the National Security Agency, is amended by striking out "fifty civilian positions" and inserting in lieu thereof "sixty civilian positions".

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS
IN THE FEDERAL AVIATION AGENCY UNDER SECTION 302(h) OF THE
FEDERAL AVIATION ACT OF 1958

SEC. 205. (a) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)), authorizing the Administrator of the Federal Aviation Agency to establish not more than fifteen scientific and professional positions in the Federal Aviation Agency, is amended by striking out "fifteen positions" and inserting in lieu thereof "twenty positions".

(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed \$19,500, is amended by striking out "ten positions" and inserting in lieu thereof "twenty-three positions".

INCREASE IN NUMBER OF SCIENTIFIC, ENGINEERING, AND ADMINIS-
TRATIVE POSITIONS IN THE NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION UNDER SECTION 203(B)(2) OF THE NATIONAL AERO-
NAUTICS AND SPACE ACT OF 1958

SEC. 206. (a) Section 203(b)(2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b)(2)), authorizing the Administrator of the National Aeronautics and Space Administration to establish not more than two hundred and ninety scientific, engineering, and administrative positions in the National Aeronautics and Space Administration, is amended by striking out "thirteen", and inserting in lieu thereof "thirty", and by striking out "two hundred and ninety" and inserting in lieu thereof "four hundred and twenty-five (of which not to exceed three hundred and fifty-five may be filled prior to March 1, 1962 and not to exceed three hundred and ninety may be filled prior to July 1, 1962)".

(b)(1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

(A) the number of positions established under section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2));

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) *In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—*

(A) *to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;*

(B) *to inform the Congress of such omission; and*

(C) *at the request of any congressional committee to which such report is referred, to present all information concerning such matters.*

INCREASE IN NUMBER OF EMPLOYEES OF NATIONAL AERONAUTICS AND SPACE COUNCIL UNDER SECTION 201(F) OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

SEC. 207. *Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), authorizing the executive secretary of the National Aeronautics and Space Council to employ not to exceed three persons at rates of annual compensation of not to exceed \$19,000, is amended by striking out "three" and inserting in lieu thereof "seven".*

TITLE III—REALINEMENT OF COMPENSATION OF CERTAIN POSITIONS UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE PAY ACT OF 1956

REMOVAL OF CERTAIN POSITIONS FROM THE PURVIEW OF THE FEDERAL EXECUTIVE PAY ACT OF 1956

SEC. 301. *Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out the following paragraphs:*

"(2) Administrator, Bonneville Power Administration.";

"(3) Administrator, Farmers' Home Administration.";

"(4) Administrator, Soil Conservation Service, Department of Agriculture.";

"(9) Chief Forester of the Forest Service, Department of Agriculture.";

"(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.";

"(11) Commissioner of Customs.";

"(12) Commissioner, Federal Supply Service, General Services Administration.";

"(14) Commissioner of Narcotics.";

"(15) Commissioner, Public Buildings Service.";

"(17) Commissioner of Reclamation.";

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."; and

"(23) Director of Coal Research, Department of the Interior.".

CONFORMING CHANGES IN EXISTING LAW

SEC. 302. (a) *The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C.*

636d(d)), providing annual compensation of \$17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: "Provided, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended".

(b) (1) There is hereby repealed the second sentence of section 4201 of title 18 of the United States Code, providing annual compensation of \$17,500 for each member of the Board of Parole in the Department of Justice, which reads as follows: "The annual rate of basic compensation of each member of the Board shall be \$17,500."

(2) The section heading of such section 4201 is amended by striking out "; salaries".

(3) The table of contents of chapter 311 of such title 18 is amended by striking out

"4201. Board of Parole; members; salaries."

and inserting in lieu thereof

"4201. Board of Parole; members."

(c) Notwithstanding any other provision of law, the rate of gross annual compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be an amount which is equal to \$17,500, as increased in the manner provided by section 4(r) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462) and section 117(g) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 304; Public Law 86-568).

(d) On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.

(e)(1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out

"(1) Architect of the Capitol."

(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

"(5) Assistant Architect of the Capitol."

READJUSTMENT OF CERTAIN PAY LEVELS OF THE FEDERAL EXECUTIVE PAY ACT OF 1956

SEC. 303. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2203(a)), is amended to read as follows:

"(4) Administrator of the Small Business Administration."

(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(17) Administrator, Farmers Home Administration.

"(18) Administrator, Soil Conservation Service, Department of Agriculture.

"(19) Chief Forester of the Forest Service, Department of Agriculture.

"(20) Commissioner of Customs.

“(21) *Manager, Federal Crop Insurance Corporation, Department of Agriculture.*

“(22) *Deputy Administrator, Small Business Administration (4).*

“(23) *Commissioner of the Indian Claims Commission (3).”*

(d) Section 106(c) of such Act (5 U.S.C. 2205(c)), providing annual compensation of \$18,000 for the Commissioners of the Indian Claims Commission, is hereby repealed.

(e) Section 107(a) of such Act (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out “\$17,500” and inserting in lieu thereof “\$18,500”.

(f) Section 107(b) of such Act (5 U.S.C. 2206(b)), providing annual compensation of \$17,000 for certain positions, is hereby repealed.

(g) Section 106(a) of such Act (5 U.S.C. 2205(a)), providing annual compensation of \$20,000 for certain positions, is amended by inserting

“(48) *General Counsel, United States Arms Control and Disarmament Agency.*

“(49) *Public Affairs Advisor, United States Arms Control and Disarmament Agency.”*

immediately following

“(47) *Commissioner of Education.”*

(h) Section 105 of title 3 of the United States Code, providing for the compensation of certain assistants to the President, is amended by striking out “\$17,500” and inserting in lieu thereof “\$18,500”.

SAVINGS PROVISIONS

SEC. 304. Except as provided by subsections (a), (c), (d), and (e) of section 302 of this title, each position specifically referred to in or covered by any amendment made by sections 301 and 302 of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act. The incumbent of each such position immediately prior to the effective date of this section shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as amended.

EFFECTIVE DATE

SEC. 305. The foregoing provisions of this title (except section 303(g)) shall become effective at the beginning of the first pay period which begins on or after the sixtieth day following the date of enactment of this Act.

TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

INCREASE IN NUMBER OF AUTHORIZED TOP SALARY LEVEL POSITIONS IN THE POSTAL FIELD SERVICE

SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the

12 TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF 1949

end thereof the following new sentence: "In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, to provide certain additional research and development positions, and for other purposes".

And the Senate agree to the same.

TOM MURRAY,
JAMES C. DAVIS,
THADDEUS J. DULSKI,
DAVID N. HENDERSON,

Managers on the Part of the House.

OLIN D. JOHNSTON,
MIKE MONRONEY,
RALPH W. YARBOROUGH,
B. EVERETT JORDAN,
JENNINGS RANDOLPH,
FRANK CARLSON,
HIRAM L. FONG,
J. CALEB BOGGS,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7377) entitled "An act to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949 AND RELATED POSITIONS

Title I and section 201 of title II of the House bill relate to positions in the top grades of the Classification Act of 1949, as amended, and comparable positions.

Both the House bill and the Senate amendment amended (1) section 505 of the Classification Act of 1949, relating to the maximum number of positions which may be allocated to grades 16, 17, and 18 of the general schedule of such act—the so-called top grades—and (2) the act of May 29, 1959 (73 Stat. 63) relating to positions at comparable salary levels for the National Security Agency of the Department of Defense.

The House bill provided for increases in the numbers of positions in grades GS-16, GS-17, and GS-18 of the general schedule of the Classification Act of 1949, as amended, and comparable positions, as follows:

For the U.S. Civil Service Commission, for allocation pursuant to section 505(b) of such act, an increase of 370 such positions;

For the Department of Defense, an increase of 40 in the number of positions authorized by section 505(j) of such act;

For the National Security Agency of the Department of Defense, an increase of 20 in the number of positions authorized by the act of May 29, 1959 (73 Stat. 63) to be compensated at rates equal to the rates for such grades GS-16, GS-17, and GS-18;

For the Federal Home Loan Bank Board, an increase of 4 in

the numbers of such positions presently allocated to the Board by the U.S. Civil Service Commission; and

For the U.S. Arms Control and Disarmament Agency, when created, 14 such positions.

The Senate amendment provided for increases in the numbers of positions in grades GS-16, GS-17, and GS-18 of the General Schedule of the Classification Act of 1949, as amended, and comparable positions, as follows:

For the U.S. Civil Service Commission, for allocation pursuant to section 505(b) of such act, an increase of 419 such positions, of which 100 were subject to allocation only by the President of the United States;

For the Department of Defense, an increase of 28 in the number of such positions authorized by section 505(j) of such act;

For the National Security Agency of the Department of Defense, an increase of 12 in the number of positions authorized by the act of May 29, 1959 (73 Stat. 63) to be compensated at rates equal to the rates for such grades GS-16, GS-17, and GS-18; and

For the Immigration and Naturalization Service of the Department of Justice, six positions in such grade GS-16.

The conference agreement authorizes an aggregate of 480 additional positions in grades GS-16, GS-17, and GS-18 of the general schedule of the Classification Act of 1949, as amended. Such aggregate number of additional positions comprises—

an increase of 430 in the number of positions authorized for allocation by the U.S. Civil Service Commission by section 505(b) of such act; of which increase 50 may be allocated only upon approval of the President and for agencies or functions created after the effective date of this agreement, 14 may be allocated only to the U.S. Arms Control and Disarmament Agency when created, 4 may be allocated only to the Federal Home Loan Bank Board, and 6 may be allocated only to the Immigration and Naturalization Service of the Department of Justice;

thirty-five additional positions in such grades in the Department of Defense; and

fifteen additional such positions in the National Security Agency of the Department of Defense.

Section 102(c) of the House bill added subsections (m) and (n) to section 505 of the Classification Act of 1949 which provided 4 positions in grades 16, 17, and 18 for the Federal Home Loan Bank Board and 14 positions in such grades for the new U.S. Arms Control and Disarmament Agency. These positions were to be in addition to the maximum aggregate number of such positions authorized by section 505(b) of the Classification Act of 1949.

The conference substitute eliminates the proposed new subsections (m) and (n), relating to the Federal Home Loan Bank Board and the U.S. Arms Control and Disarmament Agency, but adds subparagraphs (3) and (5) to section 505(b) of the Classification Act of 1949, which, in effect, earmark or set aside (*within* the maximum aggregate number of top-grade positions rather than in addition thereto) 4 positions for allocation to the top grades of the Classification Act of 1949 by the

Civil Service Commissioners only to the Federal Home Loan Bank Board and 14 positions for allocation to such grades by such Commissioners only to the U.S. Arms Control and Disarmament Agency.

In addition, the conference substitute earmarks in like manner six positions for the Immigration and Naturalization Service of the Department of Justice. These positions were not specifically allocated in this manner by the House bill.

The Senate amendment proposed to amend section 505(b) of the Classification Act of 1949 to provide for an additional 100 top-grade positions to be so classified upon a determination of the existence of a need for such positions by the President of the United States. The House bill, as introduced, contained a comparable provision which was not contained in the House bill as reported and as passed the House.

Section 102(a) of the conference substitute, in lieu of this so-called Presidential pool, adds subparagraph (2) to section 505(b) of the Classification Act of 1949 which, in effect, provides that 50 of the number of top-grade positions provided for by such section 505(b) shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of the new subparagraph (2).

In addition, the Senate amendment contained the following sublimitations (not contained in the House bill) on the number of positions which may be placed in such grades, as follows: in grade 17, not to exceed 357 positions; in grade 18, not to exceed 160 positions.

Section 102(a) of the conference substitute adds subparagraph (1) to section 505(b) of the Classification Act of 1949 which provides percentage (instead of numerical) sublimitations to the effect that not to exceed 25 percent of the maximum aggregate number of positions which may be placed in the top grades of such act may be placed in grade 17 and not to exceed 10 percent of such maximum number may be placed in grade 18.

SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

Title II of the House bill relates to scientific and professional positions and positions of a security nature.

Section 201 of the House bill, relating to certain positions in the National Security Agency for which rates of compensation shall be equal to rates of basic compensation for grades GS-16, GS-17, and GS-18 of the general schedule of the Classification Act of 1949, as amended, and the conference agreement with respect to such positions in the National Security Agency, are discussed above under the heading "Positions in top grades of Classification Act of 1949 and related positions."

Section 202 of the House bill increased the numbers of scientific and professional positions authorized by the act of August 1, 1947 (Public Law 313, 80th Cong.), as amended (5 U.S.C. 1161-1163), for the Department of Defense by 85 new positions; for the Federal Aviation Agency by 10 new positions; and for the National Aeronautics and Space Agency by 65 new positions. The rates of compensation for all such positions were to be not less than \$12,500 nor more than

\$19,000 per annum, except that with respect to such new positions for the Federal Aviation Agency (identified as "administrative and managerial") the maximum rate of compensation was not to exceed \$19,500 per annum.

The Senate amendment provided for 75 such new positions for the Department of Defense, 15 such new positions for the Federal Aviation Agency, 135 such new positions for the National Aeronautics and Space Agency, and 4 such new positions (not provided for in the House bill) for the National Aeronautics and Space Council.

The conference agreement provides for 80 such new positions for the Department of Defense, 13 such new positions for the Federal Aviation Agency, and 4 such new positions for the National Aeronautics and Space Council. The conference agreement also provides, with respect to the National Aeronautics and Space Agency, for the establishment of 65 such new positions on or before March 1, 1962; the establishment of 35 additional such new positions during the period beginning March 1, 1962, and ending June 30, 1962; and the establishment of 35 additional such new positions on or after July 1, 1962. Thus, the conference agreement will make available to the National Aeronautics and Space Agency an aggregate of 135 such new positions, of which 65 will be available before March 1, 1962, 100 will be available thereafter but before July 1, 1962, and the entire number of 135 will be available on and after July 1, 1962.

The salary range for all such new scientific and professional positions will be from \$12,500 to \$19,000 per annum, except that (1) the maximum salary for the 13 new positions provided for the Federal Aviation Agency will be \$19,500—the maximum rate presently in effect for the 10 existing positions of the same grades previously authorized for the Federal Aviation Agency—and (2) a maximum salary of \$21,000 per annum is authorized for not to exceed 17 of such new positions authorized for the National Aeronautics and Space Agency.

Section 3(a)(5) of the Senate amendment added a new subsection (j) to the first section of the act of August 1, 1947 (Public Law 313, 80th Cong.), which authorized the Librarian of Congress to establish not more than four scientific or professional positions in the Library of Congress for research purposes. The House bill contained no such provision. The committee of conferees has eliminated these positions for the Library of Congress from the conference substitute. The matter of those additional positions for the Library of Congress will be given consideration in the future by the respective Committees on Post Office and Civil Service of the Senate and House of Representatives upon appropriate demonstration of a need therefor.

A comparative summary of the provisions of the House bill, the Senate amendment, and the conference agreement with respect to scientific and professional positions follows:

TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF 1949 17

Agency	House passed	Senate passed	Conference
1. Department of the Interior.....	3	3	3
2. Department of Agriculture.....	5	3	5
3. Department of Health, Education, and Welfare.....	3	3	3
4. Department of Commerce.....	5	3	5
5. Post Office Department.....	3	3	3
6. Department of Defense.....	85	75	80
7. National Security Agency.....	10	10	10
8. Federal Aviation Agency:			
(a) Professional, \$19,500.....	10	15	13
(b) Scientific, \$19,000.....	5	5	5
9. National Aeronautics and Space Agency.....	65	135	135
10. Library of Congress.....	0	4	0
11. U.S. Arms Control Agency.....	14	0	14
12. National Aeronautics and Space Council.....	0	4	4

¹ Of this number 17 can be paid up to \$21,000 per year, making a total of 30 who can be paid at this rate. This Agency is authorized 65 immediately upon passage of this legislation; 35 more by Mar. 1, 1962, and the remaining 35 on and after July 1, 1962.

REALINEMENT OF EXECUTIVE POSITIONS

Title III of the House bill removed 20 positions from the purview of section 107(a) of the Federal Executive Pay Act of 1956 and such positions, as a result, were to be within the purview of section 505 of the Classification Act of 1949, as amended, relating to positions in grades GS-16, GS-17, and GS-18 of the general schedule of such act. Title III increased the rates of compensation prescribed for two positions in section 106(a) of the Federal Executive Pay Act of 1956 from \$18,000 to \$18,500; for eight positions in section 107(a) of such act from \$17,500 to \$18,500; and for four positions in section 107(b) of such act from \$17,000 to \$18,000. Title III also added, in section 106(a) of such act, two additional positions for the United States Arms Control and Disarmament Agency, when created, at the \$20,000 rate of compensation prescribed in such section.

The Senate amendment removed no positions from the Federal Executive Pay Act of 1956. The Senate amendment, however, transferred five such positions from section 107(a) to section 106(b) of such act, increasing the salaries of such positions from \$17,500 to \$19,000; transferred one position from section 106(a) to section 104(a) of such act, increasing the salary from \$20,000 to \$21,000; transferred four positions from section 107(b) to section 106(b) of such act, increasing the salaries from \$17,000 to \$19,000; and transferred three positions from section 106(c) to section 106(b) of such act, increasing the salaries of two such positions from \$18,000 to \$19,000 and the salary of the third such position from \$18,500 to \$19,500;

The conference agreement adopts the provisions of title III of the House bill with respect to 15 of the 20 positions which such title removed from section 107(a) of the Federal Executive Pay Act of 1956 and adopts the provisions of the Senate amendment with respect to the transfer of the remaining 5 of such 20 positions from section 107(a) to section 106(b) of such act. The conference agreement adopts the provisions of title III of the House bill with respect to increases in rates of compensation for eight positions in section 107(a) of such act and with respect to the creation of two additional positions in section 106(a) of such act for the U.S. Arms Control and Disarmament Agency. The conference agreement adopts the provisions of the Senate amendment with respect to the transfer of one position from

section 106(a) to section 104(a) of such act, with respect to the transfer of four positions from section 107(b) to section 106(b) of such act, and with respect to the transfer of three positions from section 106(c) to section 106(b) of such act.

Sections 302 (f) and (g) of the House bill amended section 202(e) of the Legislative Reorganization Act of 1946 and clause 28(c) of rule XI of the Rules of the House of Representatives to provide that the compensation of the professional and clerical staff members of the standing committees of the House of Representatives may be fixed at a rate not in excess of the maximum rate authorized by the Classification Act of 1949, as amended. The Senate amendment contained no such provision. The conference substitute eliminates these provisions of the House bill.

The committee of conference emphasizes that the elimination of these provisions is not intended to constitute a rejection of the objectives of these provisions on the merits. The committee recognizes the necessity of a joint meeting of representatives of the Committees on Post Office and Civil Service of the Senate and House for the further consideration of this matter in the interest of uniformity of treatment with respect to such committee employees in the House and Senate and in order to insure comparability of talent and pay between the two Houses of Congress with respect to such employees.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

TOM MURRAY,

JAMES C. DAVIS,

THADDEUS J. DULSKI,

DAVID N. HENDERSON,

Managers on the Part of the House.

Sept 23, 1961

13. CIVIL DEFENSE. Passed without amendment H. R. 8383, to amend the Federal Civil Defense Act so as to ratify retroactive financial contributions made to States for civil defense purposes. This bill will now be sent to the President. pp. 19454-5
14. SOIL AND WATER RESEARCH. Sen. Mansfield stated that he had been advised by Secretary Freeman that "the very severe drought which has plagued the northern Great Plains region in recent months has caused the Department to review its program of soil and water conservation research and has determined that the proposed Northern Great Plains Regional Center at Sidney, Mont., should be given priority in its planning program." Sen. Mansfield stated that "We anticipate the construction on this project will be included in the Department of Agriculture's fiscal year 1963 program," and inserted several items on this matter. pp. 19438-9
15. COTTON. Sen. Tower stated that "it would be a grave mistake to even consider reducing the acreage allotment for cotton for next year. A cursory examination of the facts leads one to the inescapable conclusion that the 1962 acreage allotment must be increased," and urged others to join him in petitioning the Secretary of Agriculture to increase the 1962 cotton acreage allotment. pp. 19444-5
16. PUBLIC WORKS APPROPRIATION BILL, 1962. Began consideration of this bill, H. R. 9076. pp. 19455-6
17. FORESTRY. Sens. Symington and Long, Mo., urged enactment of legislation to provide for the establishment and development of the Ozark Rivers National Monument, Mo., under the jurisdiction of the National Park Service, which would include national forest lands, and inserted several items regarding this matter. pp. 19503-6
18. RESEARCH. Sen. Humphrey inserted a letter from Dr. Alan T. Waterman, Director, National Science Foundation, providing "an authoritative and well-rounded statement as to where we stand and where we should be moving in support of basic research." pp. 19539-44

HOUSE - SEPT. 23

19. APPROPRIATIONS. Conferees were appointed on H. R. 9076, the public works appropriation bill. p. 19680
20. VIRGIN ISLANDS. Agreed to the conference report on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation. This bill will now be sent to the President. p. 19644
21. TARIFFS. Rep. Monagan discussed his bill H. R. 8850, to adjust conditions of competition between domestic and foreign industries by amending the Trade Agreements Act, and said, "we can no longer build around the United States a Chinese wall of tariffs and exclusionary restrictions." pp. 19645-8
22. ADJOURNED until Mon., Sept. 25. p. 19692

SENATE - SEPT. 23

23. FARM LABOR. By a vote of 41 to 31, agreed to the conference report on H. R. 2010, the Mexican farm labor bill. This bill will now be sent to the President. (pp. 19694-704) As agreed to the bill includes provisions as follows: Extends

the program for 2 years, until Dec. 31, 1963. Prohibits workers recruited under the program from being made available in any area unless reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to Mexican workers. Prohibits the employment of workers recruited under the program for other than temporary or seasonal occupations or to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except when authorized by the Secretary of Labor to avoid undue hardship. Prohibits the employment of Mexican workers for processing activities relating to horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products. Incorporates in the basic act provisions now carried in the Labor-HEW appropriation act requiring employers of Mexican workers to reimburse the U. S. for essential expenses incurred by it under the program, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.

24. PERSONNEL. Both Houses agreed to the conference report on H. R. 7377, to increase the limitation on the number of supergrades and research and development positions of scientists and engineers for which special rates of pay are authorized (by a vote to 228 to 71 in the House). This bill will now be sent to the President. pp. 19628-32, 19767-8
25. PUBLIC WORKS APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 9076 (pp. 19714, 19721-34, 19739, 19749-56). Conferees were appointed (p. 19756).
26. NOMINATIONS. Confirmed the nomination of Fowler Hamilton to be Administrator of the Agency for International Development. p. 19714
27. FARM LABOR. Sen. Randolph stated that a recent newspaper article stating that it was difficult to recruit unemployed workers to pick apples in W. Va. "was an oversimplification which did not reflect in sufficient degree the various elements of the problem involved." He also inserted an article stating that the Governor of W. Va. has reconstituted the State interdepartmental committee on migratory labor. pp. 19704-5
28. LAND CLASSIFICATION. Received a letter from Interior reporting that an adequate soil survey and land classification has been made of the lands to be served by the Sly Park unit, Central Valley project. p. 19705.
29. FISH FLOUR. Sen. Saltonstall inserted an address by George McGovern discussing the possible use of a new product, fish flour, in the foreign aid program to help feed the peoples of underdeveloped nations. pp. 19717-8
30. AGRICULTURE. Sen. Javits inserted his annual report on the first session of the 87th Congress which said in part, "Two major pieces of farm legislation were enacted by the Congress during this session ... I strongly opposed both these measures." pp. 19735-9
31. CONVENING OF CONGRESS. Passed without amendment S. J. Res. 144, to provide that the second session of the 87th Congress shall meet on Wed., Jan. 10, 1962. p. 19758
32. PERSONNEL. Agreed to the conference report on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee



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WASHINGTON, SATURDAY, SEPTEMBER 23, 1961

No. 169

House of Representatives

(Legislative day of Friday, September 22, 1961)

The recess having expired, the House was called to order by the Speaker pro tempore at 10 o'clock a.m.

The SPEAKER pro tempore. Without objection, the Chaplain will offer the prayer.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Genesis 31: 49: *The Lord watch between thee and me, when we are absent one from another.*

O Thou God of all majesty, in these closing days of the 87th Congress, we are again turning to Thee in prayer for Thou art the strength and support of the faithful in every generation.

We are rendering unto Thee our gratitude for the high and holy privilege we have had walking and working together as colleagues and comrades in the service of our God, our country, and humanity.

Bestow upon us all the benediction of Thy peace and the diadem of Thy praise, "Well done, thou good and faithful servant."

Give Thy special blessing to our beloved Speaker, whom we are daily remembering in prayer, beseeching Thee to grant unto him Thy healing ministry and the manifestations of Thy grace.

May the Lord bless us and keep us; may the Lord make His face to shine upon us, and be gracious unto us; may the Lord lift upon us the light of His countenance and give us peace. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGowan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8558. An act to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes; and

H. Con. Res. 389. Concurrent resolution endorsing the World Economic Progress Exposition.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 521. An act for the relief of Charles J. Utterback.

The message also announced that the Senate agrees to the amendments of the House numbered 1, 2, 5, and 6 to the concurrent resolution (S. Con. Res. 31) entitled "Concurrent resolution relating to certain aliens."

The message also announced that the Senate disagrees to the amendments of the House numbered 3 and 4 to the above entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4750) entitled "An act to amend section 6(a) of the Virgin Islands Corporation Act."

CALL OF THE HOUSE

Mr. ANDERSEN of Minnesota. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 224]

Abernethy	Burke, Ky.	Dominick
Adair	Byrnes, Wis.	Dooley
Alford	Cahill	Feighan
Alger	Carey	Findley
Anfuso	Cederberg	Fino
Ashley	Celler	Frazier
Barry	Chiperfield	Glenn
Bass, N.H.	Collier	Goodell
Bass, Tenn.	Colmer	Gray
Becker	Cooley	Green, Oreg.
Bell	Corbett	Griffin
Bennett, Mich.	Corman	Griffiths
Berry	Curtis, Mo.	Hagan, Ga.
Blatnik	Daniels	Hall
Blicht	Davis, Tenn.	Halpern
Boggs	Dent	Hansen
Bolton	Devine	Harrison, Va.
Bromwell	Diggs	Harvey, Ind.
Buckley	Dingell	Harvey, Mich.

Hays	Macdonald	Rostenkowski
Herlong	MacGregor	St. George
Hiestand	Martin, Mass.	Santangelo
Hoeven	Martin, Nebr.	Saund
Hoffman, Mich.	Meador	Schenck
Holifield	Michel	Shelley
Holtzman	Miller, N.Y.	Short
Horan	Montoya	Siler
Hull	Morrison	Sisk
Johnson, Wis.	Moss	Smith, Calif.
Jones, Mo.	Moulder	Smith, Va.
Karsh	Multer	Sullivan
Kearns	Nelsen	Teague, Calif.
Keith	Norblad	Thompson, La.
Kelly	Osners	Tollefson
Keogh	Pelly	Tuck
Kilburn	Pilcher	Tupper
Kilday	Pillion	Van Pelt
Kowalski	Pirnie	Vinson
Kyl	Poage	Wallhauser
Landrum	Powell	Weaver
Lankford	Quie	Westland
Libonati	Rabaut	Wharton
Lindsay	Rains	Williams
Loser	Reifel	Wright
McDonough	Reuss	Young
McDowell	Riehlman	Younger
McIntire	Riley	Zelenko
McSween	Rodino	
McVey	Roosevelt	

The SPEAKER pro tempore. On this rollcall 289 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLL CALL

Mr. KORNEGAY. Mr. Speaker, on rollcall No. 222 I am recorded as being absent. However, I was here and answered "present" to my name yesterday. I ask unanimous consent that the RECORD be corrected to show that I was present.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BATTIN. Mr. Speaker, on rollcall No. 193 I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. Without objection the correction will be made.

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on rollcall No. 128 I am recorded as not

voting. I was present and voted "aye." I ask unanimous consent that the RECORD be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MUTUAL SECURITY APPROPRIATION BILL

(Mr. PASSMAN asked and was given permission to address the House for 1 minute.)

Mr. PASSMAN. Mr. Speaker, I wish to say again, as I did on Thursday, that it is not the foreign aid appropriation bill that is holding up adjournment. The public works appropriations bill is only now being considered by the Senate. The final supplemental appropriation bill is yet to be considered by the Senate. However, Mr. Speaker, the aggregate of funds involved in these three appropriation bills amounts to approximately \$9 billion. Therefore, it is certainly going to take some time—and the American public would expect us to take some time—to iron out the differences between the House and Senate bills in conference. However, I want the Members of the House to know that it is not the bill that I have the honor of handling, as chairman of the Foreign Operations Appropriations Subcommittee, that is holding up adjournment. As soon as the conferees for the other body can arrange for another conference session, I can assure the membership of this body that the conferees on the part of the House are ready to meet with them and try to sustain as nearly as possible the position of the House in this matter. The Members may be certain that we will not succumb to pressure, nor will we capitulate to unreasonable demands. What we will do is to continue to negotiate in good faith toward reaching a compromise that is as sound and sensible as, in the circumstances, we can make it.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I am delighted to yield to the distinguished minority leader.

Mr. HALLECK. Do I understand from what the gentleman has said that if these other matters could be disposed of during the day the gentleman could give us some reasonable assurance that the mutual security appropriation bill which the gentleman is handling could likewise be disposed of today?

Mr. PASSMAN. I can assure the gentleman that the House conferees are ready to go to conference any minute that the conferees in the other body are ready to see us. I certainly hope that we can reach an agreement without unnecessarily continued prolonged debate and negotiations.

NO SINE DIE ADJOURNMENT

(Mr. ANDERSEN of Minnesota asked and was given permission to proceed for 1 minute and to revise and extend his remarks.)

Mr. ANDERSEN of Minnesota. Mr. Speaker, to say that this 1st session of

the 87th Congress has been highly eventful during the past 9 months, is a gross understatement.

Since Congress convened last January we have seen a new and youthful President inaugurated; historical space flights by American and Russian astronauts; tragic American defeats in Cuba, Laos, Vietnam, and Vienna; and at this very moment we are witnessing a crisis in Berlin and the resumption of nuclear tests, all caused by the Soviets.

During the next 3 months even greater and more serious and more significant events will likely occur. America may be faced with new, and even more serious national and international events.

If we, the Congress, adjourn within the next few days we will be turning over to this new young President the decision as to when our affairs become serious enough to warrant the calling of a special session.

Mr. Speaker, I have confidence in our new President, but I am not sure that we, the Members of Congress, should be so confident of his judgment and his ability on international and foreign affairs that we relax, adjourn, and go home and turn all the affairs of state over to just one man.

Where, during the past 8 months since January 20, has the President exhibited such ability in handling our foreign affairs that it would cause us to feel safe in going home and leaving everything in his hands? Certainly not in Cuba.

Mr. Speaker, this session of the Congress has been delayed and dragged out, purposely, because of the world crisis. We have had short day sessions lasting only an hour or two on many occasions; we have met on only two Saturdays during the entire session. All this, in order to stay in session during this critical period of our history. Yet now, with the world situation in a more serious state, in a more critical state, than perhaps it has ever been, we make haste to quit and go home. I, for one, Mr. Speaker, believe that it is a mistake to adjourn under these circumstances. I would suggest instead that we recess subject to the call of the leadership of both parties.

CERTAIN ALIENS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 31) relating to certain aliens, with House amendments thereto and recede from House amendments Nos. 3 and 4.

The Clerk read the title of the concurrent resolution.

The Clerk read House amendments Nos. 3 and 4, as follows:

Page 3, strike out line 9.

Page 4, strike out line 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the bill that has been kicking around for quite awhile?

Mr. WALTER. This is a different bill. This is a resolution authorizing the adjustment of status and the House was

hesitant about two cases until we received a report from one of the agencies.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I move that the House recede from its amendments Nos. 3 and 4.

The motion was agreed to.

A motion to reconsider was laid on the table.

TOP-LEVEL POSITIONS IN THE GOVERNMENT

Mr. JAMES C. DAVIS. Mr. Speaker, I call up the conference report on the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 22, 1961.)

Mr. JAMES C. DAVIS. Mr. Speaker, this conference report and the statement which has just been read give the salient facts as to the action of the conferees.

The conference committee in the final analysis have allowed 406 new super-grade positions for control by the Civil Service Commission in addition to those already in existence. That number of 406 was arrived at in this way. The number in the House bill for the Commission was 370. The number provided in the Senate bill was 319 plus 100 additional positions to be allotted to the President to be used as he might see fit. The conferees agreed with reference to the 100 which were to be allotted under the Senate bill to the President to reduce that number to 50, and further restricted it with the provision they would be allotted to the Civil Service Commission to be used only to perform new functions or fill supervisory positions in new agencies. Also, they should not be used or allotted by the Civil Service Commission except with the approval of the President. That was the disposition of that particular phase of the bill.

Six positions are allotted to the Immigration and Naturalization Service, 4 to the Federal Home Loan Bank Board; 14 to the U.S. Arms Control Agency, 35 to the Department of Defense, and 15 to the National Security Agency.

The bill also included a number of positions of the scientific and professional type, and in the windup 3 of these were allotted to the Department of the Interior, 5 to the Department of Agriculture, 3 to the Department of Health,

Education, and Welfare, 5 to the Department of Commerce, 3 to the Post Office Department, 80 to the Defense Department, 10 to the National Security Agency, and 13 to the Federal Aviation Agency.

Five scientific positions to the Federal Aviation Agency.

One hundred and thirty-five positions to the National Aeronautics and Space Agency.

They were to be spaced out in this way:

Sixty-five of them are immediately available.

Thirty-five are to be available in March 1962.

The other 35 are to be available on and after July 1, 1962.

The Senate bill contained four of these positions for the Library of Congress, but the conferees ruled them out and none were allowed in the final analysis to the Library of Congress for the reason, it was felt insufficient justification was made for these positions.

Fourteen of these positions go to the U.S. Arms Control Agency and 4 positions go to the National Aeronautics and Space Council.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Ohio.

Mr. BOW. Can the gentleman advise the House as to the increase in the number of supergrades allowed as compared to the bill as it left the House? How many more positions are there as compared to the number provided in the House bill?

Mr. JAMES C. DAVIS. The additional number of supergrades under the control of the Civil Service Commission now in the bill, as compared to the bill when it left the House, is the difference between 370 and 406, which would make it 36 positions.

Mr. BOW. That is, 36 positions under the civil service. Are there any other additional employees in the total bill? I would like to know how many more supergrades you have in total throughout the entire bill over and above what was in the bill when it passed the House.

Mr. JAMES C. DAVIS. There are 50 additional supergrade positions in addition to those in the bill when it left the House, consisting of 35 positions to the Department of Defense and 15 positions to the National Security Agency.

Mr. BOW. These are additions?

Mr. JAMES C. DAVIS. These are supergrade positions. I believe that is the information that the gentleman is asking for.

Mr. BOW. What I am trying to get out, I am saying to the gentleman from Georgia is the number of positions that the bill provided for as it passed the House and the additional positions contained in the bill now in all categories in the bill.

Mr. JAMES C. DAVIS. I am glad to say to the gentleman from Ohio that the number in the pool allotted to the Civil Service Commission in addition to the House passed number amounts to 36 positions.

There were also 50 more, as I stated, going to the Department of Defense and to the National Security Agency.

Mr. BOW. That would be a total of 86 additional positions over and above the number of positions that were included in the House bill; am I correct in that?

May I suggest to the gentleman we have the figure of 50; then under the National Security Agency we have 15; and 36 positions in the pool—that would make a total of 101 positions over and above the number of positions provided in the bill, as it passed the House; am I correct in that figure?

Mr. JAMES C. DAVIS. Does the gentleman have this mimeographed sheet from which I have been trying to give the gentleman this information? This mimeographed sheet is headed "Supergrade and Scientific Type Positions."

Mr. BOW. I will say to the gentleman I do not have it.

Mr. JAMES C. DAVIS. I will see that the gentleman has one.

Mr. BOW. I thank the gentleman. I think it is important that we know the increase over the number provided in the House bill.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I want to thank the gentleman for the way in which he has handled this report. We who are concerned with the National Scientific and Space Agency felt that these positions were necessary and should be made available immediately. I understand that was taken into consideration and we were given the positions we wanted. I appreciate the consideration the gentleman gave the Agency.

Mr. JAMES C. DAVIS. I will say to the gentleman from California that we discussed those positions in considerable detail. We regard them as being of great importance; and as I outlined in my previous statement the number requested was granted.

Mr. FULTON. If the gentleman will yield, may I as a member of the Science and Astronautics Committee thank the gentleman and his colleagues for their consideration. I believe in this time of crisis the National Astronautics and Space Agency is very vital to our security. We do need these positions in this Agency.

Mr. JAMES C. DAVIS. The conferees were of the same opinion as the gentleman has just stated.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. FRELINGHUYSEN. I wish to ask a question with respect to the Arms Control Agency. Is it correct that there is a total of 30 positions?

Mr. JAMES C. DAVIS. That is correct. There are 14 of the supergrade positions, 14 of the scientific type, and two in the Federal Executive Pay Act.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield.

Mr. ANDERSEN of Minnesota. How many overall new supergrade positions are provided in legislation we have adopted this year, including this before us?

Mr. JAMES C. DAVIS. The total in this bill is 480.

Mr. ANDERSEN of Minnesota. Additional new supergrades.

Mr. JAMES C. DAVIS. In this bill, yes.

Mr. ANDERSEN of Minnesota. May I ask the gentleman if we in any way have recommended to the executive department that they offset the cost of this proposed action by doing away with some nonessential jobs? Has the gentleman made any recommendation to the administration in that respect?

Mr. JAMES C. DAVIS. We have in many instances made such recommendations. There are no such recommendations in this conference report; but, as the gentleman probably knows, the Manpower Utilization Subcommittee has had many hearings this year and likewise last year on the question of supergrades and positions generally. It is customary in the hearings before that subcommittee for the heads of agencies who appeared before us to be admonished constantly as to the need for the efficient utilization of these positions by not wasting them.

Mr. ANDERSEN of Minnesota. In other words, there has been no recommendation whatsoever toward eliminating nonessential jobs in order to take care of these supergrades, moneywise.

Mr. JAMES C. DAVIS. There is nothing in this report; but, as I stated previously, we are constantly reminding the heads of departments and agencies that this is a necessary step to take.

Mr. ANDERSEN of Minnesota. I am sure the gentleman is concerned about the fact that we are going to go at least \$7 billion in the red in 1962, is he not?

Mr. JAMES C. DAVIS. I surely am.

Mr. ANDERSEN of Minnesota. I know from the gentleman's past record that he is concerned.

I recall back in 1947 when the then President Truman vetoed the tax reduction bill in which we made a \$6,800 million gift to the taxpayers, rather than apply same on the national debt. I and one other, the late Mr. Hull, of Wisconsin, were the only Republicans to support Mr. Truman in that veto. Our two votes were the deciding votes. Consequently we made a temporary reduction of \$6,800 million in the then national debt.

I am disturbed about our fiscal responsibility, I might say to the gentleman from Georgia. That is why I am asking this question. I think it would be much better were we to take a recess rather than adjourn sine die.

I thank the gentleman for yielding to me. I want to serve notice here that it is my intention, whether we have a quorum or not, to force a vote on the adjournment resolution if it calls for an adjournment sine die rather than a recess subject to return at the call of the Speaker.

Mr. JAMES C. DAVIS. I would like to say in response to the observation of the gentleman that the number of supergrades requested in the legislation now before us was considerably reduced from the original request of the administration.

Mr. ANDERSEN of Minnesota. I do not impugn to the gentleman anything other than a strong sense of fiscal responsibility. I commend the gentleman for his past record.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Speaker, I have served on the committee with the gentleman from Georgia. There is not a harder working member of the Committee on the Post Office and Civil Service than the gentleman from Georgia. He has tried hard to keep these supergrades. I do not think they belong in terrific. Personally, I am against supergrades. I do not think they belong in our classified employees setup. A lot of people say that we need them to bring some professional brainpower into the Government. The fact is that the majority of these jobs are handpicked of employees already in the classified civil service, and it simply gives them an increase in salary. So with these supergrades, what we are doing is taking care of those among our present employees. This is simply an increase in the salary schedule. The rank and file workers are left out in the cold by the Congress. We ought to realize that is what we are doing by paying these higher salaries in a majority of cases to people who are already employees of the Federal Government and are already receiving rather fancy salaries in the higher brackets.

I thank the gentleman for yielding.

Mr. JAMES C. DAVIS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. JOHANSEN].

(Mr. JOHANSEN asked and was given permission to revise and extend his remarks.)

Mr. JOHANSEN. Mr. Speaker, I take this time to state as one of the conferees for the House that I declined to sign the conference report, and I would like to address myself very briefly to the reasons for that action.

Mr. Speaker, it has been my privilege for 7 years to serve on the Manpower Utilization Subcommittee with the gentleman from Georgia [Mr. DAVIS]. I hold him in the highest regard. I know of his devotion to the purposes of trying to keep some restraint on the personnel of the Federal Government, particularly these higher levels.

The facts of the matter are that we did not come out of this conference very well. As I compute the figures, based on recapitulation just handed to us, and this is in answer to the gentleman from Ohio [Mr. BOW] we went in with a House total of supergrades and scientific types of positions of 696.

Mr. Speaker, the bill in the other body called for 728. The conference report, if my arithmetic is anywhere near accurate, calls for a total of 790. I do not

regard that as a distinct victory for the House conferees. Not only with respect to that, but with respect to one particular item I respectfully declined to sign the conference report, as did the gentleman from Iowa [Mr. GROSS]. That was in the handling of the scientific type allocations for the National Aeronautics and Space Agency.

Mr. Speaker, the House proposal was for 65 additional supergrade positions for science. The other body proposed 135, with a stipulation that of this number 17 could be paid up to \$21,000 a year. The proposal was made that the 65 be granted as of the enactment of the bill and that 35 more be granted as of March 1st and the final 35 be granted as of July 1st.

We made what we thought was a very modest suggestion. By "we" I mean the gentleman from Iowa [Mr. GROSS], and I. We made the suggestion that the final 35 not be approved at this time but be subject to review at the next session, and the decision then made as to whether they should be granted. We were told in effect that we would lose the space race to Russia, and other dire and terrible things would happen if they did not have everything they asked for and have it on the basis of its being approved now, even though the effective dates were to be spaced.

Mr. Speaker, I simply could not go along with that.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. JOHANSEN. I am glad to yield to the gentleman from Ohio.

Mr. BOW. The thing that disturbs me about legislation of this kind is the fact that this bill came before the House under suspension of the House rules. The House had no opportunity at all to work its will on this bill. Then, it goes to conference and comes back loaded with a lot more positions and increases in the total amount involved, which affects the budget of this country. I think this is the reason why the bill should not have come in here under suspension of the rules. I feel that the House should have an opportunity to work its will on legislation of this kind.

Mr. JOHANSEN. I want to say to the gentleman that I voted for the bill when it came before the House because I felt that it was at least in the nature of a vaccination against removal of all controls on supergrades. I thought on that basis it was justified as a protective and precautionary measure. Apparently the vaccination did not take.

Mr. Speaker, it is my intention to vote against the conference report.

Mr. SCRANTON. Mr. Speaker, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from New York.

Mr. SCRANTON. In this group that has been set aside as a pool by the Civil Service Commission, is it very clear to the gentleman from Michigan [Mr. JOHANSEN], and the other members of the committee precisely where these people are going to be used, or was it just thought that they were essential for the operation of the Government.

Mr. JOHANSEN. If my recollection is correct, it is discretionary. The chairman, I hope, will correct me if I am wrong. It is discretion given to the Civil Service Commission on the showing of justification. There is discretion there. Fifty of these may be used for new functions or new agencies, if approved specifically by the President.

Mr. Speaker, we have preserved some degree of flexibility in that particular. We much preferred having this so-called Civil Service Commission pool than having what the other body referred to as a Presidential pool.

Mr. JAMES C. DAVIS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, when this bill was before the House I made it plain that I supported it with great reluctance. I supported the bill because, as the gentleman from Michigan [Mr. JOHANSEN] has well stated, I felt that we ought to try to devise some means of controlling these superduper grade positions, and this appeared to be the only avenue.

I was one of the conferees. I, too, refused to sign the conference report. One of the main reasons was the allocation of 135 supergrades and scientific and professional positions to the National Aeronautics and Space Administration. I was willing to compromise, as was the gentleman from Michigan [Mr. JOHANSEN]. We were willing to enter into what we contended was a reasonable compromise but that was not acceptable. As my colleague from Michigan has stated, the conference report provides for 65, as the House voted, plus 35 on March 1 next year, plus another 35 on July 1 next year. In addition to that, 17 of these people will receive salaries of \$21,000 a year, for the first time. That makes a total of 30 individuals in NASA who will be paid \$21,000 per year and this is exclusive of the top layer of officials in this agency.

So, Mr. Speaker, I cannot support this conference report giving as it does 135, or 70 more of these high-salaried positions than the House provided, to the National Aeronautics and Space Administration, when the testimony of Mr. Webb, Director of that agency, was to the effect that 50 percent of the jobs which were sought would be used for promotions, not for the recruitment of new personnel—for promotions of those already in the agency.

Mr. Speaker, this bill was more than rich when it left the House in providing increased salaries. The conference report is not a compromise; it is another abdication of the position of the House of Representatives and I will, without hesitation, vote against it as I did in the conference with Members of the other body.

Mr. JAMES C. DAVIS. Mr. Speaker, the distinguished gentleman from Michigan [Mr. JOHANSEN] and the distinguished gentleman from Iowa [Mr. GROSS] are two of the most valued members of the House Post Office and Civil Service Committee, and of the Subcom-

mittee on Manpower Utilization. As they stated, they declined to sign the conference report for reasons which they deemed sufficient. It was a matter of regret to me, of course, that these two distinguished and valued members of the subcommittee and of the conference committee did not see fit to sign the conference report. Their principal objections, as I understood it, grew out of the number of positions allotted to the NASA—135, which were spaced out, 65 positions available now, 35 on March 1 and 35 on July 1.

I was inclined, when the matter was first broached in the discussion before the conference committee, to take the same position. We reached the point in that discussion where it was stated, and I think very accurately so, that inasmuch as the rockets which will be developed by this agency will be of the nature to carry atomic warheads and weapons, and that it is conceded by some—although it is not my statement and I hope it is not correct—that we are behind the Russians in the development of rockets and rocket thrust, it was urgently recommended to us by the committee of which the gentleman from California [Mr. MILLER] is chairman, which committee has jurisdiction of NASA legislation, as well as by members of that committee, that the NASA already has made arrangements to employ most of these 135 scientists and supergrade personnel to fill these positions. And they represented to us most urgently that that program would be delayed and hampered unless the total number of the 135 positions were provided for in this legislation. They pointed out that they cannot go out in a day and employ people to fill positions of this kind. They must look for them, they must search them out, they must have their security vouched for by the FBI, they must take all those precautions. The program must be planned a considerable time in advance in order for it to function effectively.

I felt that inasmuch as the Communists have made so much progress in the development of rockets and increased rocket thrust, if the program is to be hampered and delayed I did not want the responsibility to rest on my shoulders. For that reason, I changed my attitude, and went along and signed the majority report.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. JAMES C. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I am one of the senior members of the Science and Astronautics Committee. I have consulted with Mr. James E. Webb, head of the National Aeronautics and Space Administration, and have gone into these matters elsewhere. We on the Republican side of the Committee on Science and Astronautics feels that 70 additional positions of a scientific nature are necessary.

It should be pointed out that while this is a peacetime agency, nevertheless it has cognizance of the big booster program that is vital to the security of the United States of America. I would recommend to the House that it con-

sider these jobs as necessary because we are going to be spending \$20 billion on the so-called Moon program. That means first the Mercury program, then the intermediate programs, which I will not go into, and then ending up where three men will be able in a capsule to navigate in space.

Whoever in the world gets complete control of space with orbiting vehicles going at 18,000 miles per hour from 90 to 350 miles above the Earth's surface can within 15 minutes destroy any city or military area in the world. We should remember that.

When we hear criticism of a trip to the Moon, we should remember that we have to get these maneuverable space vehicles. That is as much for defense as anything else. I assure the House that these 70 positions are necessary. I congratulate the gentleman from Georgia and his committee again on taking this step. In the long run it will be an economy-minded approach to the problem. I assure the gentlemen on the Republican side of the Committee on Post Office and Civil Service that we on the Science and Astronautics Committee are taking responsibility. We have followed it closely and will do so in the future.

Mr. JAMES C. DAVIS. I thank the gentleman.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and on a division (demanded by Mr. ANDERSEN of Minnesota), there were—ayes 98, noes 25.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently, no quorum is present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 228, nays 71, not voting 136, as follows:

[Roll No. 225]

YEAS—228

Addabbo
Addonizio
Albert
Alexander
Andrews
Arends
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barrett
Bates
Battin
Beckworth
Bennett, Fla.
Blatnik
Boland
Bolling
Bolton
Bonner
Boykin
Brademas
Breeding
Brewster
Brooks
Broomfield

Broyhill
Burke, Mass.
Byrne, Pa.
Cahill
Cannon
Casey
Chelf
Chenoweth
Clark
Coad
Cohelan
Conte
Cook
Cramer
Curtin
Curtis, Mass.
Daddario
Dague
Davis,
James C.
Davis, John W.
Dawson
Delaney
Denton
Dingell
Donohue
Downing
Doyle
Dulski

Dwyer
Edmondson
Elliott
Everett
Fallon
Farbstein
Fenton
Finnegan
Flood
Flynt
Fogarty
Forrester
Frelinghuysen
Fulton
Gallagher
Garmatz
Gary
Gavin
Giaino
Gilbert
Granahan
Grant
Gray
Green, Pa.
Gubser
Hagan, Ga.
Hagen, Calif.
Halleck

Harding
Hardy
Harris
Healey
Hechler
Hemphill
Henderson
Hollifield
Holland
Hosmer
Huddleston
Ichord, Mo.
Ikard, Tex.
Inouye
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Md.
Jones, Ala.
Judd
Karsten
Kastenmeier
Kearns
Kee
Kilgore
King, Calif.
King, Utah
Klirwan
Kluczynski
Kornegay
Kowalski
Kunkel
Lane
Lankford
Latta
Lennon
Lesinski
McCormack
McCulloch
McDowell
McFall
McMillan
Mack
Madden
Magnuson
Mahon
Mailliard

Abbit
Andersen,
Minn.
Anderson, Ill.
Ashbrook
Ashmore
Beermann
Belcher
Betts
Bow
Bray
Bromwell
Brown
Bruce
Burlison
Chamberlain
Church
Clancy
Cunningham
Derounian
Derwinski
Dole
Dominick
Dorn
Dowdy

Mathias
May
Morrow
Miller, Clem.
Miller,
George P.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moorhead, Pa.
Morgan
Morris
Mosher
Murphy
Murray
Natcher
Nix
Norrell
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill
Ostertag
Patman
Perkins
Peterson
Pfost
Philbin
Pike
Price
Pucinski
Randall
Rhodes, Pa.
Rivers, Alaska
Rivers S.C.
Roberts
Robison
Rogers, Colo.
Rogers, Tex.
Rooney
Roudebush
Roush
Rutherford

NAYS—71

Durno
Ellsworth
Fisher
Ford
Fountain
Gathings
Goodling
Gross
Haley
Harrison, Wyo.
Harsha
Hoffman, Ill.
Jensen
Johansen
Jonas
King, N.Y.
Kitchin
Knox
Laird
Langen
Lipscomb
McVey
Marshall
Mason
Matthews

NOT VOTING—136

Curtis, Mo.
Daniels
Davis, Tenn.
Dent
Devine
Diggs
Dooley
Evins
Fascell
Feighan
Findley
Fino
Frazier
Garland
Glenn
Goodell
Green, Oreg.
Griffin
Griffiths
Hall
Halpern
Hansen
Harrison, Va.
Harvey, Ind.
Harvey, Mich.
Hays
Hébert
Herlong

Moore
Moorehead,
Ohio
Nygaard
O'Konski
Passman
Poff
Ray
Reece
Rhodes, Ariz.
Rogers, Fla.
Roussot
Schadeberg
Scherer
Scranton
Shriver
Taber
Taylor
Tuck
Utt
Whalley
Wilson, Ind.
Winstead

Hiestand
Hoeven
Hoffman, Mich.
Holtzman
Horan
Hull
Johnson, Wis.
Jones, Mo.
Karth
Keith
Kelly
Keogh
Kilburn
Kilday
Kyl
Landrum
Libonati
Lindsay
Loser
McDonough
McIntire
McSweeney
Macdonald
MacGregor
Martin, Mass.
Martin, Nebr.
Meador
Michal

Miller, N.Y.	Rains	Smith, Va.
Morrison	Reifel	Stafford
Morse	Reuss	Sullivan
Moss	Riehlman	Teague, Calif.
Moulder	Riley	Tollefson
Multer	Rodino	Tupper
Nelsen	Roosevelt	Van Pelt
Norblad	Rostenkowski	Vinson
Osmer	St. George	Wallhauser
Pelly	Santangelo	Weaver
Pilcher	Saund	Westland
Pillion	Schenck	Wharton
Pirnie	Schwengel	Williams
Poage	Shelley	Wright
Powell	Short	Young
Quie	Siler	Younger
Rabaut	Smith, Calif.	Zelenko

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Morrison for, with Mr. Byrnes of Wisconsin against.

Mr. Loser for, with Mr. Hall against.

Mr. Keogh for, with Mr. Nelson against.

Mr. Bass of New Hampshire for, with Mr. Harrison of Virginia, against.

Mr. Barry for, with Mr. Kilburn against.

Mr. Feighan for, with Mrs. St. George against.

Mr. Buckley for, with Mr. Berry of South Dakota against.

Mr. Davis of Tennessee for, with Mr. Martin of Nebraska against.

Mr. Miller of New York for, with Mr. Williams against.

Mrs. Hansen for, with Mr. Michel against.

Mrs. Griffiths for, with Mr. Devine against.

Mr. Cooley for, with Mr. Alford against.

Mr. Celler for, with Mr. Wright against.

Mrs. Green for, with Mr. Alger against.

Until further notice:

Mr. Holtzman with Mr. Harvey of Indiana.
Mr. McSweeney with Mr. Martin of Massachusetts.

Mr. Burke with Mr. Horan.
Mr. Smith of Virginia with Mr. Schwengel.
Mr. Abernethy with Mr. McDonough.
Mr. Diggs with Mr. Reifel.
Mr. Pilcher with Mr. Weaver.
Mr. Moss with Mr. Adair.
Mr. Colmer with Mr. Short.
Mr. Dent with Mr. Younger.
Mr. Frazier with Mr. Keith.
Mr. Hays with Mr. Glenn.
Mr. Macdonald with Mr. Meader.
Mr. Hull with Mr. Hiestand.
Mr. Karth with Mr. Pirnie.
Mr. Poage with Mr. Schenck.
Mr. Santangelo with Mr. Teague of California.

Mr. Vinson with Mr. Curtis of Missouri.
Mr. Riley with Mr. Becker.
Mr. Landrum with Mr. Dooley.
Mr. Bass of Tennessee with Mr. Collier.
Mr. Shelley with Mr. Garland.
Mr. Anfusio with Mr. Hoffman of Michigan.
Mr. Fascell with Mr. Siler.
Mr. Hébert with Mr. Tupper.
Mr. Kilday with Mr. Pillion.
Mrs. Sullivan with Mr. Westland.
Mr. Herlong with Mr. Findley.
Mr. Roosevelt with Mr. Bell.
Mr. Boggs with Mr. Fino.
Mr. Zelenko with Mr. MacGregor.
Mr. Moulder with Mr. Kyl.
Mr. Johnson of Wisconsin with Mr. Chipfield.

Mr. Baring with Mr. Goodell.
Mr. Daniels with Mr. Hoeven.
Mr. Carey with Mr. Lindsay.
Mr. Young with Mr. Griffin.
Mr. Jones of Missouri with Mr. Morse.
Mr. Multer with Mr. Corbett.
Mr. Saund with Mr. Wharton.
Mr. Powell with Mr. Smith of California.
Mr. Blich with Mr. Tollefson.
Mr. Evins with Mr. Wallhauser.

Mr. Rodino with Mr. Osmer.
Mr. Libonati with Mr. McIntire.
Mr. Rabaut with Mr. Norblad.
Mr. Kelly with Mr. Stafford.
Mr. Reuss with Mr. Pelly.
Mr. Rains with Mr. Harvey of Michigan.
Mr. Rostenkowski with Mr. Quie.
Mr. Reuss with Mr. Riehlman.

Mr. TAYLOR changed his vote from "yea" to "nay."

The vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CORRECTIONS IN ENROLLMENT OF H.R. 7377

Mr. JAMES C. DAVIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 399) to make certain corrections in the enrollment of the bill (H.R. 7377).

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, I do this simply for the purpose of informing the House that it is not my intention to force any more rollcalls except on a resolution to adjourn sine die, if such a resolution is offered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 7377), to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, to provide certain additional research and development positions, and for other purposes, the Clerk of the House is authorized and directed to make the following corrections:

In section 102(a), strike out "ten" and insert in lieu thereof "twelve".

In section 202, strike out "United States Arms Control Agency" and insert in lieu thereof "United States Arms Control and Disarmament Agency".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGES FROM THE SENATE

A further message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1186. An act to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the House to the bill (S. 739) entitled "An act to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the bill entitled "An act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes."

The message also announced that the Senate further insists upon its amendments to the bill (H.R. 258) entitled "An act to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes."

The message also announced that the Senate agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. MORSE, and Mr. PROUTY to be the conferees on the part of the Senate.

ARMS CONTROL ACT

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 9118) to establish a U.S. Arms Control Agency:

CONFERENCE REPORT (H. REPT. No. 1263)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9118) to establish a United States Arms Control Agency, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS"

"Short title"

"SECTION 1. This Act may be cited as the 'Arms Control and Disarmament Act'."

"Purpose"

"SEC. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament."

"Arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged

that Mr. CANNON, Mr. KIRWAN, Mr. FOGARTY, Mr. JENSEN, and Mr. TABER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9118) to establish a U.S. Arms Control Agency.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 399) to make certain corrections in the enrollment of the bill (H.R. 7377), in which it requested the concurrence of the Senate.

INCREASE IN LIMIT OF TOP GRADE POSITIONS UNDER CLASSIFICATION ACT OF 1949—CONFERENCE REPORT

Mr. JOHNSTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7377) to increase the limitation on the number of top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 22, 1961, pp. 19618-19621, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON. Mr. President, the House has already agreed to the report, and it was signed by all eight of the conferees. It does practically what the Senate voted, with a very slight exception.

Mr. President, the conference agreement on H.R. 7377, a bill to provide additional supergrade and scientific-type positions, was reached in a spirit of harmony. The problems involved were many and somewhat complex, but each one was resolved in a very satisfactory manner. This was possible only because of the fine spirit of cooperation and understanding that prevailed all around the conference table.

The final agreement produced what is in my opinion a fair and equitable measure and fully in accord with the demonstrated needs of the administration to enable it to carry out its many important programs.

I am happy to report that the Senate's position with respect to the National Aeronautics and Space Agency was upheld in full. I am confident this will be gratifying to the many Senators who expressed themselves on this matter when the bill was before the Senate a few days ago.

Also, the conference agreement provides for the establishment of a small

pool of positions to be available for use on determination of their need by the President. This was another point on which the Senate expressed itself rather strongly.

Finally, the agreement gives effect to the Senate's position with respect to a number of jobs of particular interest to a number of my colleagues.

I appreciate the support that was given to me by the Senate conferees without whose assistance this agreement would not have been possible. Also, I wish to commend the conferees on the part of the House for their sympathetic consideration to the views of the Senate.

The conference agreement requires that one item be explained in some detail. I wish to do that at this time.

The House version provides that the compensation of the professional staff members of the standing committees of the House may be fixed at a rate not in excess of the maximum rate authorized by the Classification Act.

There was no similar provision in the Senate version.

The conference was sympathetic to the problem involved, and expressed the view that employees in the legislative branch are entitled to the same compensation as their counterparts in the executive branch.

However, the language could not be added in conference to accomplish this objective on the Senate side. So in order to maintain balance between the House and the Senate, the provision relating to House employees was deleted, with the understanding that the matter would be considered jointly by the House and Senate Committees on Post Office and Civil Service immediately after the Congress convenes in January.

I make this statement so that our employees will understand fully the situation that exists and will appreciate that deletion of the provision as it related to employees of the House was made without prejudice to the merits of the matter.

In summary, the conference agreement on H.R. 7377 authorizes the establishment of 465 additional supergrade-type positions and 280 additional scientific-type positions.

The conferees earmarked certain of these supergrade positions for particular agencies. Immigration and Naturalization is given six positions, in addition to any such supergrade positions that they now have by specific authority or which have been allocated to them out of the total available to the Civil Service Commission. The Federal Home Loan Bank Board is given four positions in addition to those allocated to them out of the total available to the Civil Service Commission.

It also authorizes the placing of 40 additional positions in levels 17, 18, 19, and 20 of the postal field schedule.

Mr. CARLSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. CARLSON. I wish to point out that the report contains a statement of policy in regard to the hiring and selection of persons to serve in the supergrades. In the past few years there has grown up a tendency for the executive

branch of the Government to try to establish supergrade positions through legislation handled other than through the Senate Committee on Post Office and Civil Service and the House Committee on Post Office and Civil Service. This statement of policy appears on page 2 of the House version of the bill, beginning with line 6, and continues down through line 14 on page 5. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the excerpt from the bill was ordered to be printed in the RECORD, as follows:

SEC. 101. (a) The Congress hereby finds that—

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregard the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having

jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. JOHNSTON. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. BIBLE. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, there is at the desk House Concurrent Resolution 399 which deals with this measure. The concurrent resolution makes a slight correction in the figures for the total amounts. I ask that the Chair lay the concurrent resolution before the Senate at this time.

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 399), which was read, as follows:

Resolved by the House of Representatives (Senate concurring), That in the enrollment of the bill (H.R. 7377), to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, to provide certain additional research and development positions, and for other purposes, the Clerk of the House is authorized and directed to make the following corrections:

In section 102(a), strike out "10" and insert in lieu thereof "12".

In section 202, strike out "United States Arms Control Agency" and insert in lieu thereof "United States Arms Control and Disarmament Agency".

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 399) was agreed to.

AMENDMENT OF DISTRICT OF COLUMBIA SALES TAX ACT—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two

Houses on the amendments of the Senate to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (S. REPT. No. —)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES TAX ACT AND THE DISTRICT OF COLUMBIA USE TAX ACT

"SEC. 101. (a) Section 125 of the District of Columbia Sales Tax Act (D.C. Code 47-2602) is amended by striking out '2 per centum' and by inserting in lieu thereof '3 per centum'.

"(b) Subsection (a) of section 127 of such Act (D.C. Code 47-2604(a)) is amended to read as follows:

"(a) On each sale, other than sales of food for human consumption off the premises where such food is sold, and other than sales or charges for rooms, lodgings, or accommodations furnished to transients, such amounts as may be prescribed by the Board of Commissioners of the District of Columbia to carry out the purposes of this section."

"SEC. 102. Section 212 of the District of Columbia Use Tax Act (D.C. Code 47-2702) is amended by striking out '2 per centum' and inserting in lieu thereof '3 per centum'.

"SEC. 103. The amendments made by the first two sections of this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act. From and after the effective date of such amendments, all references in the District of Columbia Use Tax Act to sections 125 and 127 of the District of Columbia Sales Tax Act shall be deemed to be references to such sections 125 and 127 as amended by the first section of this title.

"TITLE II—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

"SEC. 201. Paragraph (1) of subsection 7(a) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended (61 Stat. 353; sec. 47-1586f(a) (1), D.C. Code, 1951 ed., supp. VIII), is amended to read as follows:

"(1) Except as provided in paragraph (2) of this subsection, the total amount of tax due as shown on the taxpayer's return is due and payable in full at the time prescribed in this article for the filing of such return."

"SEC. 202. The provisions of this title shall be applicable to the taxable years beginning after December 31, 1960.

"TITLE III—REAL ESTATE DEED RECORDATION TAX ACT

"SEC. 301. DEFINITIONS.—When used in this title, unless otherwise required by the context—

"(a) The word 'District' means the District of Columbia.

"(b) The word 'Commissioners' means the Commissioners of the District of Columbia, or their duly authorized agents or representatives.

"(c) The word 'deed' means any document, instrument, or writing (other than a will and other than a lease), regardless of where made, executed, or delivered whereby any real property in the District of Columbia, or any interest therein, is conveyed, vested, granted, bargained, sold, transferred, or assigned.

"(d) The words 'real property' mean every estate or right, legal or equitable, present or future, vested or contingent in lands, tenements, or hereditaments located in whole or in part within the District.

"(e) The word 'consideration', except as otherwise provided in section 304 of this title, means the price or amount actually paid, or required to be paid, for real property including any mortgages, liens, or encumbrances thereon.

"(f) The word 'person' means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, any individual acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

"(g) The word 'deficiency' as used in this title means the amount or amounts by which the tax imposed by this title as determined by the Commissioners exceeds the amount shown as the tax upon the return of the person or persons liable for the payment thereof.

"(h) The word 'taxpayer' means any person required by this title to pay a tax, or file a return.

"SEC. 302. EXEMPTIONS.—The following deeds shall be exempt from the tax imposed by this title:

"1. Deeds recorded prior to the effective date of the enactment of this title.

"2. Deeds to property acquired by the United States of America or the District of Columbia.

"3. Deeds to property acquired by an institution, organization, corporation, association, or government (other than the United States of America or the District of Columbia) entitled to exemption from real property taxation under the Act of December 24, 1942 (Public Law 846, Seventy-seventh Congress, chapter 826, second session), which property was acquired solely for a purpose or purposes which would entitle such property to exemption under said Act: *Provided*, That a return, under oath, showing the purpose or purposes for which such property was acquired, shall accompany the deed at the time of its offer for recordation.

"4. Deeds to property acquired by an institution, organization, corporation, or association entitled to exemption from real property taxation by special Act of Congress, which property was acquired solely for a purpose or purposes for which such special exemption was granted: *Provided*, That a return, under oath, showing the purpose or purposes for which such property was acquired, shall accompany the deed at the time of its offer for recordation.

"5. Deeds which secure a debt or other obligation.

"6. Deeds which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded.

H. CON. RES. 399

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1961

MR. JAMES C. DAVIS submitted the following concurrent resolution; which was considered and agreed to

CONCURRENT RESOLUTION

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That in the enrollment of the bill (H.R. 7377),
3 to increase the limitation on the number of positions which
4 may be placed in the top grades of the Classification Act of
5 1949, as amended, to provide certain additional research and
6 development positions, and for other purposes, the Clerk of
7 the House is authorized and directed to make the following
8 corrections:

9 In section 102 (a), strike out "10" and insert in lieu
10 thereof "12".

11 In section 202, strike out "United States Arms Control
12 Agency" and insert in lieu thereof "United States Arms
13 Control and Disarmament Agency".

87TH CONGRESS
1ST Session
H. CON. RES. 399

CONCURRENT RESOLUTION

To make certain corrections in the enrollment
of the bill (H.R. 7377).

By Mr. JAMES C. DAVIS

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1961
Considered and agreed to



An Act

75 STAT. 785.

To increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, to provide certain additional research and development positions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Classification
Act of 1949,
amendments.

TITLE I—POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY WITH RESPECT TO TOP GRADES OF CLASSIFICATION ACT OF 1949

SEC. 101. (a) The Congress hereby finds that—

(1) the public interest requires that effective limitations and controls be established and maintained with respect to the allocation of positions—whether by law or by administrative action—to grades 16, 17, and 18 of the Classification Act of 1949—the so-called top grades below the Federal executive level in the Government service—in order to prevent the unwarranted allocation of positions to such grades and to promote efficiency and economy in the operation of the Government;

63 Stat. 954.
5 USC 1071 note.

(2) one of the principal purposes of the Classification Act of 1949, as originally enacted and as amended from time to time, was, and continues to be, the establishment and maintenance, by specific provisions of such Act, of a coordinated and comprehensive authority and control over the allocation of positions to these top grades of such Act;

(3) under the rules of the Senate and the rules of the House of Representatives, as applicable, and the Legislative Reorganization Act of 1946, the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives are vested with exclusive legislative jurisdiction, and charged with the duty of exercising legislative oversight and supervision, with respect to all matters within the purview of the Classification Act of 1949 and the administration thereof, including the allocation of positions to these top grades of such Act;

60 Stat. 812.
2 USC 72a note.

(4) this legislative authority, duty, and jurisdiction of such committees, and the orderly and established legislative processes of the Congress generally in this respect, are being undermined by the increasing practice, resulting from certain solicitations from individual departments and agencies in the executive branch and elsewhere, of allocating additional numbers of positions to such top grades by means of appropriation Acts and other laws and reorganization plans (other than the Classification Act of 1949) which disregard the numerical limitations or the standards and procedures, or both, with respect to the allocation of positions to such grades;

(5) at the present time, therefore, the pertinent provisions of the Classification Act of 1949 do not reflect, even by approximation, the existing state of the law with respect to the total number of positions which may be allocated to the top grades of such Act; and

(6) this state of affairs subverts and undermines the object and purpose of the Classification Act of 1949 with respect to the allocation of positions to such top grades of such Act.

(b) It is, therefore, hereby declared to be the sense of the Congress—

63 Stat. 954.
5 USC 1071 note.

(1) that the matter of requesting the allocation of additional numbers of positions to the top grades of the Classification Act of 1949, whether by groups of positions or on an individual basis, is properly within the jurisdiction of those standing committees of the Senate and House of Representatives having jurisdiction over the Classification Act of 1949 in accordance with orderly and established legislative processes—the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives;

(2) that the Director of the Bureau of the Budget, the United States Civil Service Commission, and other authority designated by the President exercise to the fullest extent the authority and responsibility of disapproving requests of the departments and agencies in the executive branch for individual exceptions (to be attained through the enactment of laws outside the jurisdiction of the committees above referred to) from the numerical limitations or the standards and procedures, or both, imposed by the Classification Act of 1949 with respect to the allocation of positions to the top grades of such Act; and

(3) that, if need should develop for increasing such numerical limitations or waiving such standards or procedures, or both, in any case or cases, the matter should be presented promptly to the Congress in a manner consistent with the legislative authority, duty, responsibility, and jurisdiction of the respective Committees on Post Office and Civil Service of the Senate and House of Representatives.

INCREASE IN NUMBER OF AUTHORIZED TOP GRADE POSITIONS UNDER
CLASSIFICATION ACT OF 1949

63 Stat. 959;
74 Stat. 305.

SEC. 102. (a) Subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act, is amended to read as follows:

“(b) Subject to subsections (c), (d), (e), (f), (g), and (j) of this section, a majority of the Civil Service Commissioners are authorized to establish and, from time to time, revise the maximum numbers of positions (not to exceed an aggregate of nineteen hundred and eighty-nine) which may be in grades 16, 17, and 18 of the General Schedule at any one time, except that under such authority—

“(1) not to exceed 25 per centum of such aggregate number may be placed in grade 17 and not to exceed 12 per centum of such aggregate number may be placed in grade 18;

“(2) fifty of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created after the date of enactment of this subparagraph;

“(3) fourteen of such positions shall be available only for allocation to the United States Arms Control and Disarmament Agency;

“(4) six of such positions shall be available only for allocation to the Immigration and Naturalization Service of the Department of Justice; and

“(5) four of such positions shall be available only for allocation to the Federal Home Loan Bank Board.”

Ante, p. 631.

73 Stat. 700.

(b) Subsection (j) of such section 505, as amended (5 U.S.C. 1105(j)), relating to positions authorized for the Department of Defense in grades 16, 17, and 18 of the General Schedule of the Classifica-

tion Act of 1949, is amended by striking out "three hundred seventy-two positions" and inserting in lieu thereof "four hundred seven positions".

(c) Such section 505, as amended, is amended by adding at the end thereof the following new subsection: 5 USC 1105.

"(m) In any case in which, during the Eighty-seventh Congress, provisions are included in any Act of Congress (other than those contained in this Act) which authorize any agency of the Government to place additional positions in grade 16, 17, or 18 of the General Schedule, the Commission is authorized and directed to withdraw from such agency the allotments of a number of positions (equal to the number of such additional positions authorized under such Act of Congress) made by the Commission for such agency out of the number of positions authorized by subsection (b) of this section, to the extent possible in the light of the number of positions so allotted to such agency and in the light of the number of such additional positions authorized under such Act of Congress."

CONFORMING CHANGES IN EXISTING LAW

SEC. 103. The following provisions of law are hereby repealed:

Repeals.

(1) Subsections (f), (k), and (l) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (f), (k), and (l)), authorizing five positions, two hundred and sixty positions, and twenty-five positions in grades 16, 17, and 18 of the General Schedule of such Act for the National Security Council, the Department of the Treasury, and the Interstate Commerce Commission, respectively.

(2) Sections 202(b) and 302(j) of the Federal Aviation Act of 1958 (72 Stat. 742 and 747; 49 U.S.C. 1322(b) and 1343(h)), authorizing eight positions and seventy positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 for the Civil Aeronautics Board and the Federal Aviation Agency, respectively.

(3) The last sentence of section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), authorizing fifteen positions in grades 16, 17, and 18 of such General Schedule for the Small Business Administration.

(4) Section 205(a) (11) of the National Capital Transportation Act of 1960 (74 Stat. 543; Public Law 86-669), authorizing five positions in grades 16, 17, and 18 of such General Schedule for the National Capital Transportation Agency. 40 USC 665.

(5) The proviso in the paragraph under the heading "FEDERAL POWER COMMISSION" and under the subheading "SALARIES AND EXPENSES" in title I of the Independent Offices Appropriation Act, 1961 (74 Stat. 429; Public Law 86-626), authorizing six positions in grades 16, 17, and 18 of such General Schedule for the Federal Power Commission. 16 USC 793a.

(6) The proviso in the paragraph under the heading "CIVIL AERONAUTICS BOARD" and under the subheading "SALARIES AND EXPENSES" in title III of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 237; 49 U.S.C. 1322, note), authorizing ten positions in such grades 16, 17, and 18 for the Civil Aeronautics Board.

(7) Subsection (b) of the first section of the Act of September 23, 1959 (73 Stat. 700; 5 U.S.C. 1105, note; Public Law 86-377), containing certain provisions with respect to positions in such grades 16, 17, and 18 in the Department of Defense, which reads as follows:

"(b) The total number of positions authorized by section 505(b) of the Classification Act of 1949, as amended (5 U.S.C. 1105(b)), to be

placed in grades 16, 17, and 18 of the General Schedule of such Act at any time shall be deemed to have been reduced by the number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act. The respective number of positions authorized by such section 505(b) to be placed in grades 17 and 18 of such schedule at any one time shall be deemed to have been reduced by the respective number of positions in such grades allocated to the Department of Defense immediately prior to the date of enactment of this Act."

(8) That part of the first sentence of section 601 of the Supplemental Defense Appropriation Act, 1958 (72 Stat. 8; 10 U.S.C. 1581, note) authorizing the Secretary of Defense to place ten positions in such grades 16, 17, and 18, which reads as follows: "and to place ten positions in grades 16, 17, or 18 of the General Schedule, in accordance with the procedures prescribed in the Classification Act of 1949, as amended".

(9) The last paragraph under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1957 (70 Stat. 345; Public Law 623, Eighty-fourth Congress), authorizing ten positions in grade 16 of the General Schedule of the Classification Act of 1949 for the General Services Administration.

(10) That part of the second sentence of section 3 of Reorganization Plan Numbered 1 of 1958, effective July 1, 1958 (72 Stat. 1800; 23 F.R. 4991), authorizing not to exceed ten positions of regional director of the regional offices of the Office of Civil and Defense Mobilization to receive compensation under the Classification Act of 1949 without regard to the numerical limitations on positions in section 505 of such Act, which reads as follows: "except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105)".

(11) The paragraph under the heading "COMMODITY CREDIT CORPORATION" in chapter I of the Supplemental Appropriation Act, 1956 (69 Stat. 451; 15 U.S.C. 714h, note), authorizing the position of sales manager in the Commodity Credit Corporation to be placed in grade 17 of the General Schedule of the Classification Act of 1949.

(12) Section 302 of the Act of July 31, 1956 (70 Stat. 743; 5 U.S.C. 517c), authorizing three positions of Deputy Administrator of the Agricultural Research Service, Department of Agriculture, to be placed in grade 18 of such General Schedule.

(13) That part of the first paragraph of section 205 of the Public Works Appropriation Act, 1958 (71 Stat. 423; Public Law 85-167), which reads as follows: "the position of Administrator of the Southeastern Power Administration shall be in grade GS-18 of the Classification Act of 1949, as amended, but without regard to the numerical limitation contained in section 505 of said Act;"

(14) That part of the sixth sentence of section 3(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b(a)), authorizing the position of Director of the Bureau of Commercial Fisheries, and of Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, to be placed in grade 17 of the General Schedule of the Classification Act of 1949, which reads: "at Grades GS-17 each".

(15) The second proviso in the paragraph under the heading "CIVIL AERONAUTICS ADMINISTRATION" and under the subheading "OPERATION AND REGULATION" in title I of the Department of Commerce and Related Agencies Appropriation Act, 1959 (72 Stat. 228; 49 U.S.C. 1343, note), authorizing ten positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949.

SAVINGS PROVISIONS

SEC. 104. (a) The changes in existing law made by sections 102 and 103 of this title shall not affect any position existing immediately prior to the effective date of such changes in existing law, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this title.

(b) Positions in grades 16, 17, or 18, as the case may be, of the General Schedule of the Classification Act of 1949, as amended, immediately prior to the effective date of this section, shall remain, on and after such effective date, in their respective grades, until appropriate action is taken under section 505 of the Classification Act of 1949 as in effect on and after such effective date.

TITLE II—SCIENTIFIC AND PROFESSIONAL POSITIONS AND POSITIONS OF A SECURITY NATURE

INCREASE IN NUMBER OF POSITIONS OF A SECURITY NATURE IN THE NATIONAL SECURITY AGENCY UNDER THE ACT OF MAY 29, 1959

SEC. 201. Section 2 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish positions in the National Security Agency, is amended by striking out "Not more than fifty such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule." and inserting in lieu thereof the following: "Not more than sixty-five such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule." 50 USC 402 note.

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS UNDER THE ACT OF AUGUST 1, 1947 (PUBLIC LAW 313, EIGHTIETH CONGRESS)

SEC. 202. The Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended (5 U.S.C. 1161-1163), is amended to read as follows:

"That (a) the Secretary of the Interior is authorized to establish and fix the compensation for not more than eight scientific or professional positions in the Department of the Interior, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel. Interior.

"(b) The Secretary of Agriculture is authorized to establish and fix the compensation for not more than twenty scientific or professional positions in the Department of Agriculture, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel. Agriculture.

"(c) The Secretary of Health, Education, and Welfare is authorized to establish and fix the compensation for not more than thirteen scientific or professional positions in the Department of Health, Education, and Welfare, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel. HEW.

"(d) The Secretary of Commerce is authorized to establish and fix the compensation for not more than thirty scientific or professional positions in the Department of Commerce, of which not less than five Commerce.

shall be for the United States Patent Office in its examining and related activities, each such position being established to effectuate those research and development functions of such department which require the services of specially qualified personnel.

Post Office
Department.

"(e) The Postmaster General is authorized to establish and fix the compensation for not more than three scientific or professional positions in the Post Office Department, each such position being established to effectuate those research and development functions of such Department which require the services of specially qualified personnel.

Ante, p. 631.

"(f) The Director of the United States Arms Control and Disarmament Agency is authorized to establish and fix the compensation for not more than fourteen scientific or professional positions in the United States Arms Control and Disarmament Agency, each such position being established to effectuate those research and development functions of such agency which require the services of specially qualified personnel.

Positions in
competitive
service.

"SEC. 2. (a) Positions created pursuant to this Act shall be included in the competitive civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the United States Civil Service Commission or such officers and agents as the Commission may designate for this purpose.

"(b) The rates of compensation for positions established pursuant to the provisions of this Act shall not be less than \$12,500 per annum nor more than \$19,000 per annum and shall be subject to the approval of the United States Civil Service Commission.

"(c) In any case in which, subsequent to February 1, 1958, provisions are included in a general appropriation Act authorizing an agency of the Government referred to in this Act to establish and fix the compensation of scientific or professional positions similar to those authorized by this Act, the number of such positions authorized by this Act shall, unless otherwise expressly provided, be deemed to have been reduced by the number of positions authorized by the provisions of such appropriation Act.

Reports to
Congress.

"SEC. 3. The head of each department or agency authorized to establish and fix the compensation of positions under this Act shall submit to the Congress, not later than December 31 of each year, a report setting forth the number of positions established pursuant to this Act in his department or agency during that calendar year, and the name, rate of compensation, and description of the qualifications of each incumbent, together with a statement of the functions performed by each. In any instance in which any such department or agency head may consider full public report on these items detrimental to the national security, such department or agency head is authorized to omit such items from his annual report and, in lieu thereof, to present such information in executive sessions of such committees of the Senate and House of Representatives as the presiding officers of those bodies shall designate."

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS IN
DEPARTMENT OF DEFENSE UNDER SECTION 1581(a) OF TITLE 10, UNITED
STATES CODE

73 Stat. 701.
10 USC 1581.

SEC. 203. Section 1581(a) of title 10 of the United States Code, authorizing the Secretary of Defense to establish not more than four hundred fifty scientific and professional positions in the Department of Defense, is amended by striking out "four hundred fifty civilian positions" and inserting in lieu thereof "five hundred thirty civilian positions".

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS IN THE
NATIONAL SECURITY AGENCY UNDER THE ACT OF MAY 29, 1959

SEC. 204. Section 4 of the Act of May 29, 1959 (73 Stat. 63; Public Law 86-36), authorizing the Secretary of Defense to establish not more than fifty scientific and professional positions in the National Security Agency, is amended by striking out "fifty civilian positions" and inserting in lieu thereof "sixty civilian positions". 50 USC 402 note.

INCREASE IN NUMBER OF SCIENTIFIC AND PROFESSIONAL POSITIONS IN THE
FEDERAL AVIATION AGENCY UNDER SECTION 302(h) OF THE FEDERAL
AVIATION ACT OF 1958

SEC. 205. (a) Section 302(h) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(f)), authorizing the Administrator of the Federal Aviation Agency to establish not more than fifteen scientific and professional positions in the Federal Aviation Agency, is amended by striking out "fifteen positions" and inserting in lieu thereof "twenty positions".

(b) Section 302(f) of the Federal Aviation Act of 1958 (72 Stat. 746; 49 U.S.C. 1343(d)), which provides for not to exceed ten positions in the Federal Aviation Agency at rates of annual compensation of not to exceed \$19,500, is amended by striking out "ten positions" and inserting in lieu thereof "twenty-three positions".

INCREASE IN NUMBER OF SCIENTIFIC, ENGINEERING, AND ADMINISTRATIVE
POSITIONS IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
UNDER SECTION 203(b) (2) OF THE NATIONAL AERONAUTICS AND SPACE
ACT OF 1958

SEC. 206. (a) Section 203(b) (2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473(b) (2)), authorizing the Administrator of the National Aeronautics and Space Administration to establish not more than two hundred and ninety scientific, engineering, and administrative positions in the National Aeronautics and Space Administration, is amended by striking out "thirteen", and inserting in lieu thereof "thirty", and by striking out "two hundred and ninety" and inserting in lieu thereof "four hundred and twenty-five (of which not to exceed three hundred and fifty-five may be filled prior to March 1, 1962 and not to exceed three hundred and ninety may be filled prior to July 1, 1962)". 74 Stat. 153.

(b) (1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year— Report to Congress.

(A) the number of positions established under section 203(b) (2) of the National Aeronautics and Space Act of 1958, as Supra. amended (42 U.S.C. 2473(b) (2));

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 203(b) (2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

National security matters.
Omission of information.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

INCREASE IN NUMBER OF EMPLOYEES OF NATIONAL AERONAUTICS AND SPACE COUNCIL UNDER SECTION 201(F) OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

SEC. 207. Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 428; 42 U.S.C. 2471(f)), authorizing the executive secretary of the National Aeronautics and Space Council to employ not to exceed three persons at rates of annual compensation of not to exceed \$19,000, is amended by striking out "three" and inserting in lieu thereof "seven".

TITLE III—REALIGNMENT OF COMPENSATION OF CERTAIN POSITIONS UNDER THE CLASSIFICATION ACT OF 1949 AND THE FEDERAL EXECUTIVE PAY ACT OF 1956

REMOVAL OF CERTAIN POSITIONS FROM THE PURVIEW OF THE FEDERAL EXECUTIVE PAY ACT OF 1956

70 Stat. 739.

SEC. 301. Section 107(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out the following paragraphs:

"(2) Administrator, Bonneville Power Administration.";

"(3) Administrator, Farmers' Home Administration.";

"(4) Administrator, Soil Conservation Service, Department of Agriculture.";

"(9) Chief Forester of the Forest Service, Department of Agriculture.";

"(10) Chief of Staff of the Joint Committee on Internal Revenue Taxation.";

"(11) Commissioner of Customs.";

"(12) Commissioner, Federal Supply Service, General Services Administration.";

"(14) Commissioner of Narcotics.";

"(15) Commissioner, Public Buildings Service.";

"(17) Commissioner of Reclamation.";

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."; and

"(23) Director of Coal Research, Department of the Interior."

CONFORMING CHANGES IN EXISTING LAW

SEC. 302. (a) The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of \$17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: “: *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended”.

Farm Credit Administration.

63 Stat. 954.
5 USC 1071 note.

(b)(1) There is hereby repealed the second sentence of section 4201 of title 18 of the United States Code, providing annual compensation of \$17,500 for each member of the Board of Parole in the Department of Justice, which reads as follows: “The annual rate of basic compensation of each member of the Board shall be \$17,500.”

72 Stat. 1783.
18 USC 4201.

(2) The section heading of such section 4201 is amended by striking out “; salaries”.

(3) The table of contents of chapter 311 of such title 18 is amended by striking out

“4201. Board of Parole; members; salaries.”

and inserting in lieu thereof

“4201. Board of Parole; members.”.

(c) Notwithstanding any other provision of law, the rate of gross annual compensation of the Chief of Staff of the Joint Committee on Internal Revenue Taxation shall be an amount which is equal to \$17,500, as increased in the manner provided by section 4(r) of the Federal Employees Salary Increase Act of 1958 (72 Stat. 209; Public Law 85-462) and section 117(g) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 304; Public Law 86-568).

Joint Committee
on Internal Revenue
Taxation.

5 USC 932d, 932e.

(d) On and after the effective date of this subsection, section 116(a) of the Federal Employees Salary Increase Act of 1960 (Part B of the Act of July 1, 1960; 74 Stat. 303; Public Law 86-568) shall not be applicable with respect to the Deputy Director of the Administrative Office of the United States Courts.

U.S. Courts.
Administrative
Office.
28 USC 603 note.

(e)(1) Section 106(b) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(b)), is amended by striking out “(1) Architect of the Capitol.”

Architect of
the Capitol.
70 Stat. 739.

(2) Section 107(a) of such Act, as amended (5 U.S.C. 2206(a)), is amended by striking out

“(5) Assistant Architect of the Capitol.”

READJUSTMENT OF CERTAIN PAY LEVELS OF THE FEDERAL EXECUTIVE PAY ACT OF 1956

SEC. 303. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2203(a)), is amended to read as follows:

70 Stat. 736.

“(4) Administrator of the Small Business Administration.”

(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

Repeal.
5 USC 2205(a)(5).

(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

70 Stat. 739.

“(17) Administrator, Farmers Home Administration.

“(18) Administrator, Soil Conservation Service, Department of Agriculture.

“(19) Chief Forester of the Forest Service, Department of Agriculture.

"(20) Commissioner of Customs.

"(21) Manager, Federal Crop Insurance Corporation, Department of Agriculture.

"(22) Deputy Administrator, Small Business Administration (4).

"(23) Commissioner of the Indian Claims Commission (3)."

Repeal.

70 Stat. 739.

(d) Section 106(c) of such Act (5 U.S.C. 2205(c)), providing annual compensation of \$18,000 for the Commissioners of the Indian Claims Commission, is hereby repealed.

(e) Section 107(a) of such Act (5 U.S.C. 2206(a)), providing annual compensation of \$17,500 for certain positions, is amended by striking out "\$17,500" and inserting in lieu thereof "\$18,500".

Repeal.

70 Stat. 737.

(f) Section 107(b) of such Act (5 U.S.C. 2206(b)), providing annual compensation of \$17,000 for certain positions, is hereby repealed.

(g) Section 106(a) of such Act (5 U.S.C. 2205(a)), providing annual compensation of \$20,000 for certain positions, is amended by inserting

Ante, p. 632.

"(48) General Counsel, United States Arms Control and Disarmament Agency.

"(49) Public Affairs Advisor, United States Arms Control and Disarmament Agency."

immediately following

"(47) Commissioner of Education."

70 Stat. 740.

(h) Section 105 of title 3 of the United States Code, providing for the compensation of certain assistants to the President, is amended by striking out "\$17,500" and inserting in lieu thereof "\$18,500".

SAVINGS PROVISIONS

SEC. 304. Except as provided by subsections (a), (c), (d), and (e) of section 302 of this title, each position specifically referred to in or covered by any amendment made by sections 301 and 302 of this title shall be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with the provisions of such Act. The incumbent of each such position immediately prior to the effective date of this section shall continue to receive the rate of basic compensation which he was receiving immediately prior to such effective date until he leaves such position or until he is entitled to receive compensation at a higher rate in accordance with law. When such incumbent leaves such position, the rate of basic compensation of each subsequent appointee to such position shall be determined in accordance with the Classification Act of 1949, as

63 Stat. 954.

5 USC 1071 note. amended.

EFFECTIVE DATE

SEC. 305. The foregoing provisions of this title (except section 303 (g)) shall become effective at the beginning of the first pay period which begins on or after the sixtieth day following the date of enactment of this Act.

TITLE IV—POSITIONS IN TOP SALARY LEVELS IN THE POSTAL FIELD SERVICE

INCREASE IN NUMBER OF AUTHORIZED TOP SALARY LEVEL POSITIONS IN THE POSTAL FIELD SERVICE

SEC. 401. Section 3301 of title 39, United States Code, relating to the maximum number of positions authorized at any one time for salary levels 17, 18, 19, and 20 in the postal field service, is amended by adding at the end thereof the following new sentence: "In addition to the number of positions prescribed by subparagraphs (2) to (5), inclusive, of this section, the Postmaster General is authorized to assign a total of not more than forty positions among salary levels 17, 18, 19, and 20 as he may determine." 74 Stat. 609.
39 USC 3301.

Approved October 4, 1961.



